

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

SIXTH DAY

APRIL 04, 2006

MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING
IN THE ROSE Y. CARACAPPA AUDITORIUM
VETERANS MEMORIAL HIGHWAY, SMITHTOWN, NEW YORK

**MINUTES TAKEN AND TRANSCRIBED BY: DONNA CATALANO, COURT
STENOGRAPHER**

LUCIA BRAATEN, COURT STENOGRAPHER

(* THE MEETING WAS CALLED TO ORDER AT 9:40 A.M.*)

P.O. LINDSAY:

Mr. Clerk, would you read the role, please.

**(THE ROLL WAS CALLED BY TIM LAUBE • CLERK OF THE
LEGISLATURE)**

LEG. ROMAINÉ:

Here.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. CARACAPPA:

(Not present).

LEG. LOSQUADRO:

(Not present).

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

(Not present).

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not present).

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. MYSTAL:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

(Not present).

LEG. COOPER:

(Not present).

LEG. VILORIA • FISHER:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

12.

P.O. LINDSAY:

If we could all rise for the Pledge led by Legislator Romaine.

SALUTATION

P.O. LINDSAY:

Thank you. Now, I'd like Legislator Stern to come the mike to introduce our guest preacher this morning.

LEG. STERN:

Thank you, Mr. Presiding Officer. Good morning, everybody. It is with great pleasure that I introduce this morning a true leader in our community, the Rabbi from the Dix Hills Jewish Center in Dix Hills, Rabbi Howard Buccle.

RABBI BUCCLE:

We pray. We thank, oh, God, for the gift of wisdom that you bring to each one of us and for the divine presence of how you enable us to see insights and your strength and your blessings at every moment in the journey in life.

We begin a new spring season, not only in the metaphor of baseball with gratitude that both the Yankees and the Mets won yesterday, but also a spring season of religious festivals and holidays. When we think about for a moment the metaphor of baseball, it is for the individual to leave the safety of their home, to journey out into the field, and in that field, learn to interact, cooperate, labor and seek and find accomplishments in the journey, and then hopefully return home safely. And so to in the metaphor of one of the spring festivals that we will soon observe, the Festival of Passover, where within homes the seder meals are observed.

One of the most noble goals that we have as citizens is to make sure that our homes are safe and those who are vulnerable find haven in every moment, homes wherein we can find celebration and joy. The metaphor of Passover is also to safeguard the values of freedom, to make sure the tyranny never reins and at every moment in the journey to seek as a community as concerned leaders, Legislators and citizens to assure each and every day that the blessings of freedom and the moral compass of our own individuals faith will guide and lead us and inspire.

And Passover also seeks to speak to us about compassion, compassion as a community and the blessings we share one with another. And most of all, Passover seeks to in the midst of the journey in life that each one of us has wherever we are coming from in our journeys and in every direction that

we're going in, we seek to be inspired and find comfort and to seek strength and wisdom that God grants to us.

And at this moment, as we speak about the memories of the journeys in the past and the journeys we have in the future, we pause for one additional moment of prayerful remembrance as all who are present in this Legislative body today we remember with abundant love Ed Hogan who was a very trusted leader and Legislative Aide who has always graced this chamber with his wisdom, with his capacity to always know priorities, and to be a mentor to so many that are here, a man who knew values of community, of family and God. May all of us who are blessed to know him as a friend and trusted advocate and may his family as well find comfort. May the blessings of this season enable all of us to find safety and joy and wisdom in our homes. May God bless all of us, our families and our community and this Legislature. Let us respond Amen.

(AMEN WAS SAID IN UNISON)

P.O. LINDSAY:

Before we sit down, I wanted to just say something too about Ed. We come to this horseshoe from different backgrounds and different genders and creeds and national origins and certainly different political parties. But make no mistake about it, we are a family here. And last Friday, we lost a member of our family when Ed Hogan was taken from us very suddenly. Ed was a wonderful guy. He will be sorely missed at this horseshoe. We pray for his soul and for his family. So if we could have a moment of silence for Ed.

MOMENT OF SILENCE

P.O. LINDSAY:

We have a busy agenda today. It's my hope that we can get through the agenda that we could attend Ed's services tonight as a group. Let's try our best to see if we can accomplish that. Next, I'd like to introduce Legislator Rick Montano to introduce our guest choir this morning. Is Rick here?

LEG. MONTANO:

Yes, I am here. Mr. Presiding Officer, Members of the Legislature. It's a special privilege today, I would like to introduce the Central Islip Choir directed by John Anthony. Central Islip High School Choir has been consistently achieving and gaining experience in an array of performances. Since the Ensemble's inception in 2002 the Concert Choir received a gold rating during the New York State Music Association Major Organization Festival. They also performed at the Lighthouse Tabernacle Church in Central Islip and also during an Honor Society Induction Ceremony.

Last year they won first place in the Disney Honors National Coral Invitational. This year, the Central Islip Concert Choir is one of three, one of three US schools selected to perform at the Mozart Festival Music Celebration International. The company organizing the event selected the choir after reviewing its New York State Music Association performance in which they obtained a professional recommendation.

The Central Islip Concert Choir has been selected to represent the United States and the State of New York for this once•in•a•lifetime musical festival commemorating the 250th anniversary of Wolfgang Amadeus Mozart's birth in Salzburg, Austria, in July, 2006. I am proud to introduce them to you.

They are here to perform the Star Spangled Banner, Shenandoah and So Ah Will Be Done. This is dedicated to the memory of Ed Hogan. I'm going to bring them in right now. Thank you very much, Mr. Presiding Officer for this opportunity. It's remarkable that this school would be selected, one of three in the nation. Of course, I represent the district.

MR. ANTHONY:

The first selection we're going to perform for you is the Star Spangled Banner, so if you would all please rise.

(*THE STAR SPANGLED BANNER WAS PERFORMED BY THE CHOIR*)

APPLAUSE

CHOIR MEMBER:

You may be seated. There is perhaps no other American folk song that stirred the hearts on as many people as Shenandoah. The original tune of Shenandoah was popular among American sailing vessels in early New England and eventually made its way west. Shenandoah is the name of an Indian Chief who lived along the Missouri River. The lyrics portray a man who has fallen with his Chief's daughter and has plans to take her out west beyond the Missouri River. It is the thought that the song originated with the loggers or river men who taught it to sailors in port. The sailors took this beautiful song to sea and sang it during their long hard days at work. Shenandoah is as beautiful today as it was when it was first sung. We hope you enjoy it.

(*SHENANDOAH WAS PERFORMED BY THE CHOIR*)

APPLAUSE

CHOIR MEMBER:

Spirituals are the southern sacred folk song created and first song by African American during slavery and are one of first forms of music to be considered distinctly American. While spirituals express deeply held religious convictions, they also reflected deep longings for freedom. Most compelling, however, is that even African Americans experienced the torments of unimaginable suffering, they were nevertheless able to create songs of great beauty and hope, passing on to their future generation that there is no obstacle so great that it cannot be overcome. We are honored to present today Soon Ah Will Be Done. This performance will be in loving memory of Ed Hogan.

(* SOONER AH WILL BE DONE WAS PERFORMED BY THE CHOIR *)

APPLAUSE

STANDING OVATION

MR. ANTHONY:

We'd just like to add •• I'd just like to add it's •• from my perspective it's such an honor to be instructing these kids every single day. A lot of times people ask what I do for a living, what's my job. And sometimes I don't know how to answer, because it hardly seems like it sometimes.

I just can't imagine any group more suited really to represent the United States in Austria this July, because what we see here is really a true melting pot. Like my dad said to me, you know, sometimes he looks at the choir when to hear our concerts, and he says, "You know, I see, you know, groups of people who traditionally, you know, if you hear everything on the news they don't get along, and here they are making beautiful music together as a team every day." It's something that I really can't wait to share, because they're really one of the best things about the United States. Thank you very much.

APPLAUSE

STANDING OVATION

P.O. LINDSAY:

I congratulate Legislator Montano. What a talented group in that choir, that Central Islip High School Choir, and I thank him for bring them to us. April is National Volunteer Month, and certainly our communities are filled with volunteers. It's probably what makes Long Island a great place to live is all the people that so willingly give of their selves to their communities and their time. We traditionally have an •• honor a volunteer from each one of the Legislative Districts, and I understand many of them are in the audience this morning.

And I'm going to read the roll of volunteers. It's the 2006 Volunteer of the Month for April. And from the First District, Legislator Romaine, Henrietta

Toal. Is Henrietta with us this morning? From Legislator Schneiderman's District, Ellen Stahl from Sag Harbor; from Legislator Browning's District, Joy Rootowski. Is Joy with us? From Legislator Caracappa's District, Jeff Freund; from Vivian Vilorio•Fisher •• Legislator Vivian Vilorio•Fisher's District, Olga Belleau; from Legislator Losquadro's District, Timothy Montgomery; from Legislator Eddington's District, Robert Conroy and Vincent Ferraro. How come you got two? From Legislator Lindsay, Lori Green, a wonderful volunteer in our community. Legislator Montano, Deborah Rotunda; Legislator Alden, Eileen Shafer; Legislator Horsley, Joy Torrey; Legislator Stern, Antoinette Valla; and Legislator D'Amaro, Irving Toliver; and Legislator Cooper, Virginia Partrick. I thank all of those people for giving themselves so willingly to our communities and helping us to make Suffolk County a great place to live.

Before I get into the public portion, I would remind my fellow Legislators that there is at 12:30, during the lunch break today, we are supposed to tour the Rape Counseling Center that's provided by AEC, which is a contract agency for the County in Central Islip. I would hope that everybody would avail themselves of that tour. AEC is a wonderful contract agency that does a lot of things for the County. And I understand that the program that they have established in Central Islip is really quite a great program. I would hope that you would attend. Before we go to the public portion, Legislator Nowick has a proclamation.

LEG. NOWICK:

Good morning, everybody. It is my pleasure to be here on a lighter note. Just to tell you little bit about speaking of volunteers, how lucky we are in Smithtown. The Society for the Lending Conference to the Sick began as a group of local women who felt compelled to provide care and comfort to the town's infirm and ailing. The Smithtown women gathered whatever sick room equipment and articles of comfort they could, stored it in a shed on Belle Meade Avenue, which I think is being repaired now and redone, and began

loaning it to the Smithtown sick.

During the Great Depression, the Society supplied free milk to the schools. And during World War II, they made bandages and knitted sweaters for American soldiers fighting overseas, they helped sponsor Polio vaccinations in the local schools and purchased medical equipment for donations to local hospitals. And, you know, I just want you to know how important this is, when something happens in your family and you say, my, God, I need a wheelchair or I need crutches or I need •• and you don't know where to go, these wonderful ladies have been there for, I believe, 100 years.

And so Smithtown's growth in recent decades coupled with the complicated state of health care has changed the Society's mission and the way services are carried out. The Society averages about ten equipment rentals or donations each week. And as long as a person in need is a Smithtown resident, they are given the item for no charge and no deposit. Most people assisted by the Society are uninsured, underinsured or have slipped through ever widening cracks in the welfare state. We are very, very lucky in the Town of Smithtown to have such a wonderful group of dedicated women. And I congratulate you. On behalf of the Legislature, I would like you to bring this wonderful proclamation to your ladies. Thank you very much.

APPLAUSE

P.O. LINDSAY:

In recognizing the volunteers from the respective districts, I skipped over Legislator Barraga's District, and I apologize for that, and I believe Katherine Setkowsky is with us. Katherine, would you please rise. Thank you very

much for being with us today, and thank you very much for everything you do for your community. And I see that my volunteer, Lori Green, has just stepped in the auditorium. Lori, if you could rise as well. Thank you very much for all that you do for our community. We really appreciate it. And I think that's it as far as procs and ceremonies, and we go to the public portion. Peter Quinn.

MR. QUINN:

Good morning, Members of the Legislature. My name is Peter Quinn. I'm a member of Steve Levy's Energy Advisory Committee. I wonder how many of you know that in the recently concluded LIPA•KeySpan management agreement that KeySpan managed to get from LIPA and old LILCO tax credit that amounts to at least \$110 million and conceivably more. I wonder if you also know that in the ratepayer protect plan, which was negotiated at the same time, that ratepayers received a total of only \$68 million.

I challenged LIPA and Richard Kessel to go back to the table and create a new management agreement. The fact is that for eight years, next month, we will have paid an average of other \$500 million a year in debt service and amortization. That's like using a credit card. If we held bonds accountable the same way we hold banks accountable, we would be almost violating our usury laws. We are paying for energy with a credit card. We are faced with the prospect of having the National Grid•KeySpan deal, which amounts to \$11.8 billion to be foisted upon electric ratepayers over the long term, which when amortized will amount to roughly \$30 billion.

What will be the impact of that on our economy? While you focus on taxes, rates are just silently passed by. I want you to go back and I want you to demand that LIPA reopen the management agreement with KeySpan. In the long term, I'd like to see you, frankly, take the •• challenge LIPA to sell off

the Far Rockaway section of LIPA, its LIPA service territory, to Con Ed, take the profits and pay down the debt. Then we'd all see reductions in our energy cost. I encourage you to challenge LIPA every step of the way. Thank you.

P.O. LINDSAY:

Thank you, Peter. Thomas Germano.

MR. GERMANO:

Good morning. Thank you for allowing me to address this distinguished body. Dr. Germano. I've been an instructor in industrial and labor relations for more than 30 years; 28 years as district director for Cornell University's Industrial and Labor Relations School. I've also presided over more than 1500 arbitration cases and conducted mediations, but primarily I'm a teacher who does arbitrations.

I'm here to speak against the law and in favor of repealing the law that restricts arbitrators who have worked in Nassau County in the last three years from doing work in Suffolk County. On a personal level, it deprives me as a Suffolk County resident and taxpayer of work and employment and especially as a semi-retired person. It is most discomfoting. And it's just unfair. I mean, after hearing that inspiring music this morning, both inspirational and patriotic, it's almost unAmerican to, with a broad brush, take a class of people who just because they happen to work in one county not allow them to work in another county, because this County became upset with a single arbitrator's award.

And even that arbitrator, I'm not saying one way or the other that that arbitrator should be here or not, but the law is basically unfair, unnecessary and unreasonable just for these following facts. The parties always have at their discretion the ability and the final say in selecting an arbitrator. So you do not have to pick an arbitrator from Suffolk County or Nassau County or anywhere else if you don't want that person to serve as the arbitrator. I know of no instance, and I cannot justify this academically, economically, socially, politically in any way where the parties did not want an arbitrator and that arbitrator served to make a determination for those parties.

It also winds up reducing the pool of competent arbitrators for you to utilize, and in the long run, probably costs you more money in that you then have to input arbitrators from outside the area and pay, not only travel costs, but sometimes overnight lodging expenses. I ask you to repeal the law in consideration of fairness, equity and certainly a more useful way of selecting arbitrators, which leaves it up to you as the selectors of the arbitrators, not up to some law that is not even workable. Thank you.

P.O. LINDSAY:

Thank you, Dr. Germano. Kevin MacLeod.

MR. MACLEOD:

Good morning, legislators. I'm Kevin MacLeod. I'm a licensed electrical contractor here in Suffolk County, and I represent New Energy Solar Community KPS Contracting and RELIE Energy.

First of all, I just wanted to briefly say, Legislator Nowick, she has my

deepest sympathies on the passing of Ed Hogan. I've talked to him many times with the EEE Committee Meeting agendas, I'm going to miss him very much. Normally I talk about energy •• types of solar energy, renewable energy, but today I'm going to talk a little bit about LIPA electric bills. I'm going to jump off a tangent here.

First, I want to thank all the Legislators who passed my •• one of the few last Sense Legislations back in November on commercial net metering. We're working with that in Albany right now, and hopefully, we're going to have some Legislation by maybe the fall. Does everybody have the handouts that I sent out to the secretary? It's got a LIPA bill on the front of it. Just briefly, I'm going to go over this, and I'm going to move on.

If you look at the electric bill, obviously, if you're going through all the charges here, we have our basic service charges, charges for the kilowatts, our friendly fuel price adjustment that everybody talks about, we have a delivery subtotal here. Also, in the next section we have our pilots, our Suffolk property tax adjustment, then we have our sales tax that Suffolk County charges on these. Right now, we're at one and a half percent with residential and 8.625 on businesses.

Now, probably most of the ratepayers will probably not notice this, but it appears to me that Suffolk County, which would normally •• I would think would normally charge the sales tax on the above subtotals on the basic goods and services, but it seems to me that there is a sales tax charge being assessed on the pilots and the Suffolk County property tax adjustment, which to me, this is a tax on a tax. I'm a little upset as to why this is being done. Viewing the fact that many of the Suffolk County ratepayers are already being killed by their electric rates and all the other surcharges, I don't think we need to really be doing any sort of additional tax on a tax. Or if you want to look at it •• it's a sneak tax is what it comes down to.

I'm not here to really point fingers at anybody here. I'm pretty sure many of us aren't aware that this exists, but I think that we really need to go through this whole LIPA electric rate and surcharge thing again, and, you know, revisit this whole thing and look at what we're charging the ratepayers in Suffolk County. I thank you.

P.O. LINDSAY:

Thank you very much, Mr. MacLeod. I don't see Budget Review in the auditorium, but if they hear me, if they could please come to the auditorium. I'd really like Mr. Schroeder here from Budget Review to explain to us how this is computed, all right? Thank you. Jim Datri.

MR. DATRI:

Thank you for giving me time to speak to you. I'm coming to you to talk about the ferry service in the Village of Bellport. I've spoken to Mr. Eddington and Ms. Ortiz about this at some length. But in the last couple of weeks, I've not gotten a response as to why the County has not asked the Village of Bellport to get a license. County Law says that every passenger ferry service within the County should have a license from the County. The Village of Bellport has a ferry service running from the village to Fire Island.

There is a law on the books, New York State Navigation Law 115A, which applied to villages who have ferry services to properties on an island not connected by any bridge. Fire Island is connected, not only by the Robert Moses Bridge, but by the Smith Point Bridge. I've read that law very carefully. I've shepherded that law at the library in Riverhead, found nothing in case law or anything that controverts that law, and yet, when I call the

Chief Deputy Clerk's Office to ask why the County has not been able to enforce this law, I just get an answer that somehow one of the lawyers have said that there's a New York State Law that overrides your County Law.

I have not gotten anything in writing, and I've asked for what law that is that overrides it, and I've not gotten any answer. I'd like you to enforce the County Law that Bellport Village get a County license for their ferry or shut the ferry down. That bridge was build, the Smith Point Bridge, was build around 1959. Bellport brought the property on Fire Island in 1963 and FIN started in 1974. So the village brought that property after the bridge was built and then flaunted the law by operating this ferry without a license from you.

Bellport Village is one of those places that's had the same government for well over 20 years, and they've been used to flaunting the law. They go ahead and do what they want to do and then they say, "Sue us if you don't like what we do." I'm asking the County to stand up to them and to respond to me in writing, please, as to why you are not enforcing that law or that you have decided to enforce it. Thank you.

P.O. LINDSAY:

Thank you, Mr. Datri. Robert Anthony Moore.

CHIEF MOORE:

Good morning, Mr. Presiding Officer, Ladies and Gentlemen of the Legislature. I'm Robert Anthony Moore, Chief of Department, Suffolk County Police Department. I'm here this morning to update you on the Rocky Point

cell tower site. And I'd ask the members of the Public Safety to forgive me, you have already heard most of this information, but there is one or two items that you may not be aware of.

To begin with, the SEQRA hearing for the site approved the site. But having said that, as of today there is no memorandum of agreement. As early as last Wednesday, members of the Suffolk County Police Department met with personnel from the Suffolk County Water Authority to further clarify the language and come to agreement as to what each side was responsible for and the obligations and commitments of each side. But again, as it stands today, there is still no memorandum of agreement.

We have begun work on drawings and on engineering documents. We have an in-house drawing, and as you can imagine, the engineering documents and the engineering drawings are going to be very much like that, but while this serves as a basis for those drawings, it's not an official document. But I'd be happy to share that with any member of the Legislature who would like to have it.

Some of the requirements in the MOA with the drawing and engineering documents may require a bidding process on any work associated with those requirements, but it's not really clear just yet what that's going to entail. Late Tuesday by UPS courier, we received from the Suffolk County Water Authority new requirements regarding improvements to the site. Among those improvements are backfilling as much as 18 inches over what could be between 40 and 72 feet •• 78 feet wide. We have to backfill in order to level the property. In addition to that, we will have to build a retaining wall, because the property falls away. So we're going to have to fill it and then build a retaining wall.

In addition to that, we'll have to provide new fencing for that area where we've done the backfilling and the retaining wall. These were unanticipated costs. The Police Department did not anticipate having to do this initially. We were under the impression that we would be able to build our building and put some of our equipment on the existing level site. That is no longer the case.

The Suffolk County Water Authority requires a \$10 million liability insurance policy prior to anyone climbing the tower. Unfortunately, that cannot be prorated. And the annual cost of that insurance policy is \$50,000. We will be meeting next week with the County Attorney, with members of the County Executive's staff, Suffolk County personnel and DPW to see which of these cost we can absorb, you know, through the Suffolk County Police Department and the Department of Public Works. But I thought it was important for you to understand where we stand just now. Thank you.

P.O. LINDSAY:

Thank you, Chief Moore. Chief Moore, I know when this issue comes up later, there's going to be some questions about it. Would you •• you know, maybe when we finish the public portion if it's all right with Legislator Losquadro, maybe we'll take it out of order so we can get into the whole thing. Thank you. Jeff Tempera.

MR. TEMPERA:

Good morning. I wanted to just address the Legislature this morning and go over a couple of items with regards to Intro Resolution 1252, the new management salary plan. I think it's very well intended, the County Executive supports it. I've been given the responsibility of implementing the new salary plan. There are some inequities that occur through the

implementation process, and I just wanted to put everything on the table upfront so everyone understands what will occur in implementing it with the perimeters that I have before me.

Just so everybody understands, the resolution sets a goal of 3% in-between each step. Currently, we have steps anywhere from 4.2 up to, I think, like, 5% in the current management salary plan. We have to transition people off of this salary plan into the new one and get as close to 3% as possible. Currently we have 67 employees at top step, 356 employees eligible for steps. Of the 356, we have 75 who get exactly the 3% raise. There's 181 people who will get greater than a 3% raise, but less than their current step increase under the current salary plan.

There's another 100 people who fall outside of those boundaries. The resolution sets goals not only to try to get 3%, but it caps the step that I'm able to award to current individuals at no greater than the increase they would get under the current salary plan. With that goal in mind, the 100 people I just mentioned will get anywhere from a 1.5% raise to a 2.2% increase. The difference between what they would have gotten between the 4.2 and 5%, we still have 181 people who will get those raises above the 3% and up to the 5%[.|. |.] It goes across the board, every department, the Legislature, County Exec's Office. I'm not picking and choosing, it's the parameters set forth in the resolution.

I just wanted to bring to everybody's attention upfront, there is the other group that you've heard me talk about in the past, which is the individuals at the college. Through the '04-'05 budget process, the Legislature in adopting the College budget gave individuals in the College raises of up to \$21,000. They are not addressed through this resolution. They will be slotted in the same as everyone else, even though they received the 1925 retro and the 3% retro. Thank you.

P.O. LINDSAY:

That was clear as mud. Thanks, Jeff. Maybe you could stick around later when we'll have the opportunity to ask some questions about it, because it is a little confusing. Chief Alan Otto.

CHIEF OTTO:

Presiding Officer, Members of the Legislature, good morning. I'm Alan Otto, Chief of Staff, Suffolk County Sheriff's Office. At the last Public Works and Transportation Committee Meeting, I made a presentation referencing IR Resolution 1386 in order to clarify certain issues. I'm here today to do the same and to request your support in approving IR 1386.

This resolution is based upon Capital Project 3014, renovations to the Riverhead Correctional Facility. Capital Project 3014 is a capital project that has been in existence for the past 20 years. This project covers the maintenance, repair and upgrade of a correctional facility that is now 40 years. Over the course of the next four years, there are 31 itemized repairs for which funding for this project covers. After discussions and agreement with DPW, these repairs have been itemized on a priority basis into three phases.

Every year during Capital budget time, the Sheriff's Office meets with DPW, and on an average requests approximately \$1 million for ongoing repairs. Prior year's appropriations were for phase one items. I'm happy to tell you that design and planning element for phase one is 95% complete with bidding and construction to commence in 2006.

Resolution 1386•2006 funding of 1.5 million is for the majority of phase two items. The 2007 to 2009 funding will permit the completion of phase two items and a portion of phase three. The additional funding of phase three items will be requested in 2010 or even subsequent years. Sheriff DeMarco is requesting a portion of this 1.5,million funding to be used for the purchase of two new control panels for one of the pods in the medium correctional facility.

Since the new replacement facility, that Capital Project 3008, and the stress member unit both will incorporate direct supervision, Sheriff DeMarco would like to relocate two of the current eight control panels in Riverhead which have already been rescheduled •• correction •• scheduled to be replaced and upgraded to assist the Sheriff's Office in this changeover to direct supervision training. Now is the time to convert and field test one of these pods as a pilot project while we still have the time to evaluate the new system.

In summary, Sheriff DeMarco is asking your support in passing this resolution so that the ongoing maintenance and repairs for Capital project 3014 will continue, and more importantly, that funding to move two of these control panels to assist us in direct supervision training will be on schedule. Thank you.

P.O. LINDSAY:

Thank you, Chief Otto. Thersa Sanders.

MS. SANDERS:

Good morning. I am Theresa Sanders currently serving in the role as President and CEO of the Urban League of Long Island. We service Nassau and Suffolk Counties. Many of you are familiar with our community work. And I'm presenting myself this morning in support of my appointment to the Long Island Regional Planning Board and look forward to working with developing the future of Long Island and a future vision. Thank you.

P.O. LINDSAY:

Ms. Sanders, maybe if you could stick around for a little while, we'll take your resolution out of order too in case any of the Legislators have any questions of you. Thank you very much for being here.

MS. SANDERS:

Thank you.

P.O. LINDSAY:

James Ptucha.

MR. PTUCHA:

Good morning, Mr. Presiding Officer, Legislators and staff. Thank you for giving me the time to speak. I'm speaking in support of Resolution 1354 •2006, which I believe you will be going over later, requiring sufficient notice of Planning Commission referrals that's being proposed by Legislator Stern. I just want to say thank you to Mr. Stern. I know he has been in office now only a few months, but he's really hit the ground running. I'm very

impressed with what he has done so far.

With that said, the following remarks that I'm about to make basically don't necessarily sanction his opinion, that's my opinion, and specifically has to do with the Suffolk County Planning Commission. And what I'm going to state are facts and not opinions per se. On March 1st, the Suffolk County Planning Commission held a hearing here regarding the Tanger Outlet Mall application, and the purposes of that hearing was to determine whether or not to send a resolution or an opinion to the Town of Babylon Zoning Board of Appeals.

The Suffolk County Planning Department staff put together a very lengthy and compelling argument as to why the Suffolk County Planning Commission should reject the application for the Tanger Outlet Mall. There was no doubt whatsoever in the staff report recommendation. When it came time to vote, as we know, the Suffolk County Planning Commission, they actually have to vote on whether or not to send a resolution or not to the individual town, the new Chair of the Suffolk County Planning Commission John Caracciolo, from the Town of Huntington, from where I come from, Town of Huntington, he abstained in voting along with three other Suffolk County Planning Commissioners, and unfortunately the vote was six in favor of the staff report recommendation, four abstentions and zero against.

And because of such as you are probably quite well aware, we need eight members to vote in majority to send a staff report recommendation to an individual town. I have opinions and we all have opinions on that as to why such a block vote would take place, and that's not what I'm here to discuss. The people who did abstain, though •• it should be a matter of public record who did abstain and we all draw our own conclusions as to why they did abstain. John Caracciolo from Huntington abstained, can't tell you why, because the Tanger Outlet Mall hurts the residents of Huntington perhaps more than any other town in Suffolk County. Edward Pruitt from Brookhaven

abstained, Donald Fiore from Islip abstained, and Louis Dietz from Babylon abstained, that's understandable.

No explanation whatsoever was given as to why they would abstain. None. As a matter of fact, there was bickering amongst the individuals •• Suffolk County Planning Commission individuals as to why an abstention was taking place. A few of the new members •• as you know, there are a number of new members on the commission, were incredulous as to why somebody would abstain in such a cut and clear recommendation to the town of Babylon.

I have not been able to get an explanation as to why they abstained. And what I'm asking is maybe somehow the Legislature can at least assert a little bit more control. In essence, if someone is going to abstain or go against a staff report recommendation, maybe they should have to give an explanation, if not to the public, at least to the Legislators or directly to the Suffolk County Planning Department, which is led by Tom Isles, who I think did a terrific job, by the way, if I didn't mention that. They really should be commended.

I don't know how to get to the bottom of this, but unfortunately, politics is still prevailing in the Suffolk County Planning Commission. And I know Mr. Steve Levy is trying to rid the commission of such. And I think we all should take a look at that and see what we can do to clean that up. Thank you for your time.

P.O. LINDSAY:

Thank you very much. That concludes the cards I have. Is there anyone else in the audience who would like to speak under the public portion? Hearing

none, we go to the Consent Calender. Could all Legislators report to the horseshoe, we are going to the agenda. I'll make a motion on the Consent Calender, do I have a second? All those in favor? Opposed? Abstentions?

MR. LAUBE:

Who is the second?

P.O. LINDSAY:

Legislator Alden.

MR. LAUBE:

18.

P.O. LINDSAY:

I'm going to make a motion to take **1340** out of order for the **appointment of Theresa Sanders to the Long Island Regional Planning Council**, seconded by Legislator Mystal. Does anyone have any questions of Ms. Sanders? She's in the audience. Seeing none, all in favor? Opposed? Abstentions?

MR. LAUBE:

18. I didn't make a motion to approve, I just took it out of order. I'll make a

motion to approve, seconded by Legislator Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. Great. Chief Moore, we are waiting for a report back from Bond Counsel before we address the resolution you talked about. Okay.

Resolutions Tabled to April 4th

2022 (Making a SEQRA determination in connection with the proposed Francis S. Gabreski Airport redevelopment of LI Jet Center East, Inc., Town of Southampton). I believe that the request came from the Executive's Office to table this.

MR. ZWIRN:

We have no problem with having it tabled.

P.O. LINDSAY:

I'll make to motion to table.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

All in favor?

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion.

LEG. ALDEN:

Wasn't there a request for them to reconsider some data and give us another report?

MR. NOLAN:

The request at the last meeting was to have this referred back to CEQ to take a fresh look at it. I don't think that's happened yet.

P.O. LINDSAY:

Just on that issue, Legislator Alden. It did go through the Environment Committee, and that request was addressed there, and it was approved, but for some reason it's still being tabled.

LEG. SCHNEIDERMAN:

I think the last time we met as a full body, you had agreed to send a letter to CEQ asking them to take another look at this.

P.O. LINDSAY:

I'll check, Legislator Schneiderman. I don't know whether I sent the letter or not. I might have. I don't know.

LEG. SCHNEIDERMAN:

Okay.

MR. LAUBE:

Legislator Lindsay, who was the second on that?

LEG. SCHNEIDERMAN:

I'll second.

P.O. LINDSAY:

Seconded by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

IR 1157 (To promote fuel efficiency by requiring the purchase of hybrid vehicles for Legislative use).

LEG. COOPER:

Motion to approve.

LEG. LOSQUADRO:

Motion to table.

P.O. LINDSAY:

Okay. I have a motion by Legislator Cooper, seconded by Legislator D'Amaro. I've got a tabling motion by Legislator Losquadro and a second by Legislator Caracappa. The tabling motion takes precedent. Any discussion?

LEG. LOSQUADRO:

On the motion. As I've discussed many times in the past about the potential savings involved with these, especially for fleet use, I did not disagree •• you know that I do not disagree with alternatives fuel technologies, fuel saving technologies and alternative fuels, but even as recently as today there was a story in Newsday documenting the fact that hybrid vehicles are not the most cost efficient way to that we go about saving money when it comes to fuel. Other cars are less money. And I know this is area where the argument is we need to be leading by example, but I'm not convinced of the long term viability of hybrid vehicles for fleet use.

We've had this discussion, and I'm still looking to set a criteria with the Department of Public Works for vehicles that we can purchase for a fleet that are a vast improvement upon the fuel economies than we're getting right now from our traditional vehicles. So I'm not supportive of moving forward with this initiative at this time.

P.O. LINDSAY:

Thank you, Legislator Losquadro. Legislator Alden.

LEG. ALDEN:

In some ways this is, I think, a good avenue to explore, but number one, it's way more costly than anything else that we can purchase, and I think that sets a bad example; number two, I think it sets a bad example, because I

don't believe that the Legislature should have vehicles for anybody, especially not Legislators. So I think in two ways it's not sending a good message to the public that we're going to spend more money on a vehicle than basically even a basic type of car; and number two, we're going to make sure that we have all kinds of vehicles in perpetuity for ourselves. So I don't really believe in this program.

P.O. LINDSAY:

Legislator Caracappa.

LEG. CARACAPPA:

Thank you. I maintain my reasons for not supporting this based on this overriding the power of the Presiding Officer. Make that clear. Also, Resolution 1400 today authorizes the purchase of 30 hybrid electric vehicles. It's a County Executive resolution. So I think that's probably a good first start, and we can monitor the usage of those vehicles, how we deal with them by way of our fleet services and their performance. And if they do turn out to be a savings that are beneficial to our County fleet, these 30, then maybe we should look at it. But again, I maintain my opposition based on the powers of the Presiding Officer being diminished.

P.O. LINDSAY:

Anyone else? Just to address some of the issues that you just brought up. We have a policy of keeping vehicles until they have 110,000 miles on it. As far as I know, the fleet that we have now, there's no vehicle anywhere close to that. It really will be years away, I anticipate, before we purchase any new vehicles for the Legislature. I mean, the resolution, I guess, makes a statement, but doesn't •• I can't see us buying any kind of vehicles for quite

a while.

LEG. LOSQUADRO:

On the motion to address that point. I think we all know how quickly technology has been changing as of late. You buy a computer, it's obsolete in three or six months. So if we are not planning on purchasing vehicles in the foreseeable future, even within the next two years, the technology is changing at such a pace, vehicles with the development of cellulosic ethanol and the success of E85, which is the 85% ethanol blend that other countries such as Brazil had have, converting over 65% of their dependence on foreign oil to domestically produced ethanol, I think it is extremely short-sighted on our part to think that this technology is going to last that far out into the future that we would not want to change based on technologies that might become available between now and such a time as we would want to purchase vehicles.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I'm wondering if the cosponsor would be amenable to modifying the resolution to give the Presiding Officer more flexibility. And instead of specifically saying only hybrid vehicles, set a threshold in terms of miles per gallon that a Legislative vehicle would have to get, whether it be a hybrid or comparable to other technologies, because this is something that would •• you know, if we needed to undo this at some point in the future, we'd have to rescind this or pass some new resolution. So I'm sure that Legislator Cooper wants to see this move quickly, but another cycle would give him the ability

to amend it to give that flexibility to the Presiding Officer.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

A number of valid points have been made, and I would like to table the resolution. I think I'd like to work Legislator Losquadro and Schneiderman and anyone else who may have some input on this. I think we all want to accomplish the same goals. I think we want to set an example for the residents of Suffolk County, show that we can lead by example, but I do want to do it the right way. So I'll table this motion, and hopefully over the next few weeks, we can come together and come up with some compromised language that will accomplish all of our goals.

P.O. LINDSAY:

We already have a tabling motion before us. Legislator Horsley.

LEG. HORSLEY:

Just quickly. Dan, on your comments, I drove the other day an experimental hybrid •• hydrogen cell car the other day. And it was very interesting to see. It works primarily the same way as a hybrid does, sounds the same and whatever, but then again uses water. So you might be right, a couple more years we may have something else on the table.

LEG. LOSQUADRO:

Right.

P.O. LINDSAY:

Legislator Alden, did you want to say something?

LEG. ALDEN:

I think we are going in the right direction if we table this, and then maybe even look at something, like ••

LEG. VILORIA•FISHER:

Horses.

LEG. ALDEN:

You know, Stanley and White build some nice steamers a few years ago. We might want to build a little still out back and have a little ethanol.

P.O. LINDSAY:

Okay. Everybody had their say? On the tabling motion, all in favor? Opposed? Abstention?

MR. LAUBE:

17 •• 18, he is back.

P.O. LINDSAY:

1166 (Amending the 2006 Operating Budget in connection with the purchase of two stretchers for Medford Volunteer Ambulance). Do I have a motion?

LEG. EDDINGTON:

Motion.

LEG. MONTANO:

I'll second.

P.O. LINDSAY:

Motion by Legislator Eddington, seconded by Legislator Montano. Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1243 (Reestablishing a common sense policy for the selection of arbitrators in collective bargaining). I'll make that motion.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Seconded by Legislator Kate Browning. And we have Legislator Alden.

LEG. ALDEN:

Real quickly. Eight years ago, I was here when we actually passed this, and what happened was Nassau and Suffolk were being used by one arbitrator. And he would cite, oh, Suffolk County went up this high, so in Nassau County we have to go up this high, then he'd come right back over the border and say, Nassau County, you know, they just got this award and now we have to go up a little bit more. So it's the same guy quoting himself except he left off the •• you know, he didn't give himself credit as far as him being the one that raised the bar each time in each separate county.

For eight years this has worked. We really haven't had any huge escalation. It doesn't really hurt anybody either, because this actually applies to only a very small amount of people. This would be on a major contract arbitration. So if you've worked on a major contract arbitration over in Nassau County, you can't come over to Suffolk County and work on a major contract arbitration. You can decide arbitration cases. As a matter of fact, in the committee, we heard testimony that no one has actually come before the people that assign those cases in Suffolk County argued about it or made a

complaint about it that it was costing them work or anything like that.

Even the person that this law was aimed to keep out of the process has still worked in Nassau and Suffolk, but on arbitration cases where it wasn't a major contract where he could cite •• not opposing, but the next door neighbor county and ratchet up the price of actually living in Suffolk County. So I would argue against doing this. It really hasn't done any damage. It's actually •• I think it's worked.

And right now, I know that there was testimony also in committee that you have Steve Levy in there as the County Executive. Well, before Steve Levy was there, the County Executive ignored this body's advice as far as picking arbitrators. So that could actually happen again, and that's why the law was put into place, because we really don't have a say as Legislators who is the arbitrator and who is not. That was some of the testimony we heard today, that you can always decide and kick off a certain arbitrator if you don't want them there. Well, we can't, not as Legislators. That's why we had to resort to this law a few years ago. So I think that •• leave it in place, it's not broken, don't go and fix it. Who said that, Yogi? If it ain't broke, don't fix it. He had a good batting line up. Anyway, I would just recommend to leave this alone, it's really not something, a fix, that we need to affect right now.

P.O. LINDSAY:

If I could respond to some of them. I have both bills in front of me, The original bill and the appeal bill. And it doesn't differentiate between major settlements or interest arbitration that has to do with contracts. If you are involved in a collective bargaining settlement in Nassau County, you can't serve on a panel in Suffolk County for three years.

We did hear testimony last week that the arbitrator in question still appears on some of the panels. I haven't been able to confirm that he actually worked on a panel here. As far as the regional settlements are concerned, you don't •• I mean, just by if a guy works in Nassau or a woman works in

Nassau that's an arbitrator and comes out to Suffolk, it doesn't make any difference. When a case goes to arbitration, the regional settlements are brought into the whole issue of what is a fair settlement. So you're never going to be able to exclude if one settlement in Nassau is higher than the one in Suffolk.

And the whole purpose here is there is no hidden meaning or anything like that. I just think it's inherently unfair that a whole group of arbitrators are excluded from our process when management has the ability to exclude any arbitrator by name during the selection process. That's the rational behind the whole thing. Anybody else? I know, Ben, you want to weigh in?

MR. ZWIRN:

The County Executive would agree with Legislator Alden's assessment of this particular bill and the history. This was a bill that was passed by the Legislature to try to reign in the County Executive who was giving away the store. And while you can argue that this County Executive is certainly going to be tough in negotiations and wouldn't pick certain arbiters to sit on panels, this goes beyond this County Executive. You open the door.

P.O. LINDSAY:

The whole assumption is that if an arbitrator serves on a case in Nassau he's going to give away the store. What is the rational for that, over one person?

MR. ZWIRN:

Well, historically that was the case.

P.O. LINDSAY:

So don't use that person.

MR. ZWIRN:

The fact is that the former County Executive did use this person over again, and that's why the Legislature took the extreme measures that they did to pass this law in the first place. And the County Executive is saying the fact is that it has worked and the taxpayers have benefited from this legislation that's been in affect.

P.O. LINDSAY:

You'd have to show me, pal.

MR. ZWIRN:

Well, you can look at some if the •• you can look at some of the recent •• some of the recent awards with the Sheriff's Department. I mean, the County Executive has made great inroads, and I'm just saying, you have this control now, to give it up doesn't seem to make sense.

P.O. LINDSAY:

Legislator Fisher •• Vilorio•Fisher.

LEG. VILORIA • FISHER:

You know, that's because of negotiating in good faith and not because •• because it didn't have to go to arbitration. We saw a contract just before County Executive Levy took office where the same type of •• just as an appraiser on a house looks at comparables when they're coming up with an appraisal, when you go to arbitration, whoever it is that's doing the arbitration looks at comparables. And it can result in leapfrogging, but I don't think that the law that was passed, when was it, 1998 gave any protection against that, because the comparables were still used in neighboring jurisdictions. So I really don't believe this law gave that kind of protection.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

The County deals with all kinds of licensed professionals for architects and engineers to mediators and arbitrators. When we pass a law that says only arbitrators that reside in Suffolk County ••

P.O. LINDSAY:

It isn't where they reside. It's if they served on a panel in Nassau County, they're barred from serving on a panel in Suffolk County.

LEG. SCHNEIDERMAN:

It still doesn't change the point I'm about to make, which is it just doesn't strike me as constitutional. I really have a question of our Counsel of whether we can put a restrictions like that in place that prejudices against a certain class within a professional group.

MR. NOLAN:

I don't think it presents a constitutional problem. I think we can set the qualifications for the arbitrators we use if we like. We have that ability.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Actually, I was going to say something else, but I'll get to that in a second. But just to answer your question, we heard testimony at the committee level that they actually •• they take the whole pool of arbitrators and they only put, like, six or eight into the hat and draw out one name. So they're actually doing, you know, like, kind of the same thing because there's a glut of arbitrators. So in a way this law has worked to give more arbitrators a chance to actually come and work then under, I guess, the old system. It is constitutional to adjust, you know, what people you pick from.

So if you have a list of 100, each time they need an arbitration, they'll five or six off that list put them in a hat and pull one out. So that part of it is constitutional. And that leads into the point that I was going to make. We have been practicing that for the last eight years. Also, there's not been one, as far as I'm aware of, nobody's come before my committee when I was Chairman of Ways and Means and Chairman of Consumer Protection now for

the past six or seven years, not one person, arbitrator, has come before my committee and made a complaint about it that they were losing work. As a matter of fact, the testimony on the committee level was that there's too many arbitrators in the area. And I guess it's a federal national licensing, they slowed it down. They're not issuing •• or very few new licenses, because there is a glut of arbitrators in the area.

So, again, the law is in place, it's been working. We haven't had this guy ratchet the cost of living in Suffolk County up against his own decisions over in Nassau County. And he can still do that every three years. And according to the testimony, that would have been about the same time frame that they would have been getting to him anyway on a major arbitrators contract award.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

I was at the committee meetings, and the testimony from one of the arbitrators was that there were only 100 arbitrators available, quite the contrary to being a glut. I think the issue is that we don't have enough arbitrators on the panel to select from. It's a very lucrative part of the practice. I guess if you're one of the hundred it's a glut, but if you're on the outside trying to get in, it's not a glut. I think that we need to really focus on getting more arbitrators into the process, but, you know, I don't see repealing this bill as, you know, anything that's going to help us. I agree with you, it's not broke, don't fix it. You know, I'm going to vote against it, but it's certainly not a glut. I think we need to open up this process to more people.

P.O. LINDSAY:

Well, if you wanted to open the process, you wouldn't ban a whole group. Legislator D'Amaro.

LEG. D'AMARO:

I would just like to add that if a prior Legislature in its wisdom determined that there was a risk of an improper or unacceptable award, I don't see anything that's occurred since the law been in effect to actually mitigate that risk or remove that risk. And as a result, I think the law should stand as it is, and I'm going to vote against this as well.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

I having been in unions, I think people are kind of looking at this as one person, and looking at this one person for a reason not to agree to this. I just see it as you're making it a bigger pool, which is of an advantage to both sides. You have a bigger pool to choose to from. And it's up to when you make that choice, whether based on that person's reputation, whether you want to have them or not. So I'm going to support it.

P.O. LINDSAY:

Anyone else? Okay. We have a motion and a second. You want a roll call?

Roll call.

**(THE ROLL WAS CALLED BY TIM LAUBE • CLERK OF THE
LEGISLATURE)**

P.O. LINDSAY:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Pass.

LEG. SCHNEIDERMAN:

Pass.

LEG. CARACAPPA:

No.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. HORSLEY:

No.

LEG. MYSTAL:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

No.

LEG. VILORIA • FISHER:

Yes.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

Motion to table. No? All right. No motion to table. I'll abstain.

MR. LAUBE:

3.

P.O. LINDSAY:

1403 (Resolution of the County of Suffolk, New York, rescinding the Bond Resolution No. 91 • 2006 adopted February 7, 2006 which authorized the issuance of \$250,000 Bonds to finance a part of the cost of roof improvements/replacements at various buildings at Suffolk County Community College (CP 2137).

LEG. ALDEN:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Alden, seconded by Legislator Horsley. Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

IR 1278 (Creating a Yaphank Center Development RFEI Outreach Committee).

LEG. BROWNING:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Browning, I'll second that motion.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Isn't there one in place, though? I remember ••

LEG. BROWNING:

No. The last one expired December 31st.

P.O. LINDSAY:

Any other discussion?

LEG. ALDEN:

Okay. Good.

P.O. LINDSAY:

Legislator Caracappa.

LEG. CARACAPPA:

I don't have the bill in front of me, Legislator Browning. How similar is the makeup on the new committee as it was to the last committee? And is this committee being formed •• and I'm just asking, I'm not saying it is •• is it being formed because the opinions of the old committee weren't accepted by either office or other segments of the community?

LEG. BROWNING:

No. I think it's still an ongoing process. And there is some changes. We're at a different stage. We're involving the town officials also for those reasons. And, no, it's not that there's any changes. We do have still some community people involved in it. We want to continue to keep them in the process.

LEG. LOSQUADRO:

On the motion.

P.O. LINDSAY:

We have a list. Legislator Mystal.

LEG. MYSTAL:

My question is answered.

P.O. LINDSAY:

Okay. Legislator Losquadro.

LEG. LOSQUADRO:

I'm just looking at the brief explanation here. Would this committee •• what powers would this committee have? Is it just advisory in capacity, or do they have the ability to knock out proposals that they don't see as fitting with the

criteria that they determined from future consideration? Counsel, could you answer that?

MR. NOLAN:

They make advisory recommendations.

LEG. LOSQUADRO:

So it is not binding, it is not removing •• we know this is an Empire Zone •• it's not?

LEG. BROWNING:

This is County property.

LEG. LOSQUADRO:

Oh, this is County Property. I apologize. I thought it was a different parcel. My apologies. But still, it still is advisory in capacity?

MR. NOLAN:

Yes.

P.O. LINDSAY:

I'll get to Legislator Romaine in a minute. We have a tremendous amount of construction planned for that Yaphank area, and certainly the community should have some input into the evolving process of it. Legislator Romaine.

LEG. ROMAINE:

This is for the development of the property in Yaphank. I understand that the County Executive is taking requests for •• I don't know if they're proposals or inquiries for the development of this property. Can I ask a question, Mr. Chairman? The question that I would address to Counsel •• I'm sorry, I know you're deep in conversation. Excuse me. The question I would address to you is, is it my understanding that this property by act of this Legislature has not been declared surplus property any, therefore, proposals would be premature at this time? Has this been declared surplus property?

MR. NOLAN:

I don't know if it's been declared surplus, no.

LEG. ROMAINE:

Now, correct me if I'm wrong, this Legislature really has to declare that property surplus before any nongovernmental activities occur on this property, such as affordable housing, race tracks, whatever else is proposed for this property.

MR. NOLAN:

That's the general rule.

LEG. ROMAINE:

I believe it's a matter of law more than a general rule, correct me if I'm wrong.

MR. NOLAN:

Generally speaking, the County has to •• this Legislature has to declare property surplus before it can be used for a nongovernmental purpose, that is true.

LEG. ROMAINE:

So any examination of any activity on this property, is •• I don't want to premature, but certainly is less than right on the tip of the situation until we look at whether this property is surplus or not.

MR. NOLAN:

My understanding is the County Executive and the Department of Planning have issued an RFEI, they're going to get expressions of interest for possible uses of the property. There's going to have to be other actions taken before those actions could be implemented. And declaring the property surplus in County Government would probably be one of those things.

LEG. ROMAINE:

Obviously, I'm going to support this because Legislator Browning would like people from her community to take a look at this, and I think it's always important to support each and every local Legislator with things that they need in their district, but I just want to keep in mind that this is not by any matter a done deal for anything until we move forward and declare this surplus. And I'm sure with that in mind, Legislator Browning's committee will take a look at what's best for her community.

LEG. BROWNING:

Thank you.

P.O. LINDSAY:

Thank you. Anyone else? Legislator Barraga.

LEG. BARRAGA:

Thank you. I'll be voting against this particular piece of legislation, not because of the legislation in and of itself, but because of the makeup of the so-called review committee. I've always had some problems with reference to committees and task forces and commissions that are put together where members of the Legislature are actually, in this particular case, members of this review committee or putting in a designated representative to stand in for the Legislator. You have, in this particular case, the Suffolk County Legislator can be a member of this committee, the Presiding Officer can be a member of the committee or a designated representative.

I think it poses problems. I think it takes away from the independence of that elected official. In the case of a review committee, suppose we had 15 recommendations, and you're sitting there as a Legislator and you've got problems with two or three or four of these recommendations, yet the rest of the committee is looking for unanimous support so that effective in terms of the pronouncements of that committee before other governmental entities. I just think it's a poor practice. I know it's down quite commonly in Suffolk County, but I think you really should take a look at this, because I think it poses a lot of unintended problems down the line. Thank you.

P.O. LINDSAY:

Anyone else? Legislator Kennedy.

LEG. KENNEDY:

Just a couple of points with this, but also I'm in a position once again where on the record I'm going to have to abstain on the advice of Counsel and recuse. An earlier version of the resolution I saw actually named a particular individual who is the head of the Nassau•Suffolk Building Trades Council, who as everybody knows, is my father. Now, I see it is an appointment •• an appointee. Nevertheless, Counsel advises that I recuse.

But I would raise two other issues then, I guess. One is what Legislator Romaine put on about the surplus nature of the property and the designation, and I think it goes to the capacity and the assets and the resources of the County of Suffolk and how we hold property. Obviously, the development is significant for Legislator Browning and for the residents, civic groups and other properties immediately in the area of Yaphank. But in actuality, every resident in Suffolk County has an interest in the use of this property from end to end. So all 18 of us at some point have some obligation, I guess, as far as

what the ultimate development is going to be here or the lack thereof.

So the designation is important, but also the ultimate recommendations resonate with all of us. The other thing I question is, is when I look at the composition of the committee, I don't see reference to some of the other natural stakeholders that I think would ordinarily be involved here; such as the civic organizations, some of the environmental groups or some of the other groups out there. So I would just question to the sponsor as far as the role that some of these other natural stakeholders might play with the •• with the efforts •• • activities.

P.O. LINDSAY:

Wait. Legislator Mystal.

LEG. MYSTAL:

She can go before me.

P.O. LINDSAY:

Go ahead, Legislator Browning.

LEG. BROWNING:

It's talking about a resident from the Third District as a member of a civic group from that area.

LEG. KENNEDY:

I see item seven, as a matter of fact, which is •• is very good, I guess, as far as having an individual there if that individual was part of the whatever the group out there is, whether it's Yaphank Civic Organization or whoever represents. That would be my recommendation.

LEG. BROWNING:

It is.

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

My comments are not exactly on the bill itself. It's something that has been bugging me around here for a while. I know we have •• it's our prerogative to recuse our self. But what I'm finding is that there's, you know, a bunch of lawyers sitting here, if you are going to recuse yourself, and I'm saying that for the Democrats and the Republicans and everybody else, if you want to recuse yourself, isn't it by law you also have to not comment on it and not debate the bill? So how come you're saying, "I'm going to recuse myself, but I'm going to speak in favor or against the bill"? You are a lawyer, Jack, you know that. I think, you know, it should be from now when somebody says, I'm going to recuse myself," shut up.

P.O. LINDSAY:

Is that a Legislative term.

LEG. MYSTAL:

That's right, shut up.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Also, just to follow up on that, there is a procedure set forth in our Code that I had to use from time to time for conflicts, when you feel you have a conflict. And I just want to state, it's a •• you have to file a statement pursuant to Suffolk County Administrative Code Section A30•9, which is procedures relating to conflict situations where you have to describe the matter, you have to give the nature of the conflict and then ask for the Presiding Officer to recuse you from participation in the IR. And that also needs to be filed with Ethics Commission. So just for future reference, I thought I would let everyone know that.

P.O. LINDSAY:

With that in mind, I hope nobody is going to recuse them self. Anybody else

want to speak? I thought this was a simple resolution. We have a motion and a second, all those in favor? Opposed? Abstentions?

LEG. MYSTAL:

Jack is recusing himself.

LEG. KENNEDY:

Silently.

P.O. LINDSAY:

Legislator Kennedy, you're recusing yourself or abstaining?

LEG. KENNEDY:

Mr. Chair, I believe notwithstanding the advise from my colleagues, I will abstain, because I believe that it achieves the same outcome, and I've engaged in a dialog.

P.O. LINDSAY:

Okay. We have one abstention, one negative vote, Legislator Barraga.

MR. LAUBE:

16.

P.O. LINDSAY:

1286 (Appointing Lutricia (Pat) Edwards as a member of the Suffolk County Industrial Development Agency (IDA). Do I have a motion? Motion by Legislator Montano and Legislator Vilorio•Fisher was the second. On the motion? Hearing none, all those in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1314 (Approving the change of project for Downtown Revitalization Round IV for the Centerport Harbor Civic Association and amending the contract with the Town of Huntington to reflect same).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Cooper, seconded by Legislator D'Amaro. On the issue,

any discussion? Hearing none, all those in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1315 (Approving the change of project for Downtown Revitalization Round IV for the Three Village Chamber of Commerce and amending the contract with the Town of Brookhaven to reflect same).

LEG. VILORIA•FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloria•Fisher, do I have a second?

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Seconded by Legislator Horsley. Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1330 (Amending prior capital authorized appropriations for the Renovation/Rehabilitation Water Pollution Control Plants • construction (CP 2109.313) to Renovation/Rehabilitation Water Pollution Control Plants • design (CP 2109.113). Do I have a motion? Motion by Legislator Caracappa, Legislator Vilorio•Fisher seconds. Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1335, 1335A (Appropriating funds in connection with the replacement of unsafe tennis courts (CP 2170)). Motion by Legislator Vilorio•Fisher, do I have a second? I'll be the second. Roll call.

**(THE ROLL WAS CALLED BY TIM LAUBE • CLERK OF THE
LEGISLATURE)**

LEG. VILORIA • FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

IR 1335, same motion, same second, same vote.

IR 1120 B (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$250,000 bonds to finance a part of the cost of roof improvements/replacements at various buildings at Suffolk County Community College (CP 2137).

Motion by Legislator Montano, do I have a second?

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Seconded by Legislator Horsley. Roll call.

(THE ROLL WAS CALLED BY TIM LAUBE • CLERK OF THE

LEGISLATURE)

LEG. MONTANO:

Yes.

LEG. HORSLEY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

LEG. VILORIA • FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

18.

LEG. MYSTAL:

Mr. Presiding Officer.

P.O. LINDSAY:

Yes, Legislator Mystal.

LEG. MYSTAL:

Where is the companion bill for this?

P.O. LINDSAY:

Counsel •• that's what I was just asking Counsel. He'll explain.

MR. NOLAN:

This relates to the bond that was previous rescinded earlier in the agenda. This is the substitution •• the underlying appropriation resolution had already been approved at a prior meeting. So this is an accompanying bond resolution to replace one we rescinded earlier.

LEG. MYSTAL:

All right.

P.O. LINDSAY:

Mr. Clerk, call the vote.

MR. LAUBE:

18.

1165 (Authorizing planning steps for the acquisition of One Tower Street property, Huntington Station, Town of Huntington under the Multifaceted Land Preservation Program). Do I have a motion?

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Cooper, seconded by Legislator Vilorio•Fisher. On the motion, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I remember this one from last year though I'm not on the committee now

that reviewed this. Is the County fully purchasing this and then Huntington would then run an office, a town office out of it? Is that how it works?

LEG. COOPER:

The exact use hasn't been determined, because I set up a community advisory committee and I'm getting feedback from the local community, but, yes, the County would be acquiring the property. The town would have responsibility for upgrading the site, maintaining the property on an ongoing basis. And the general idea is to have affordable rental housing on the second floor of the building, and the floor and the basement would be used for some community use; a community resource center, job placement services, as yet to be determined based on the community input.

LEG. SCHNEIDERMAN:

I have to say this is kind a highly unusual resolution in that is asking for whole County funds to be used to purchase a home with a history of trouble in terms of tenants. I believe it's a •• it may be Section 8 type of house, which could be cleared up through the Section 8 regulations themselves. But the idea of the County stepping in to purchase a house that's a troubled house in a neighborhood really opens up a door for •• I mean, you don't know what's going to happen next door to this house or the house after that. There's a lot of problem houses all over the County. I don't think I would be asking the County to jump in here and buy a house in a neighborhood in my town, I'd ask the town board to do that if it's really a troubled house. The precedence here troubles me. I think the goal is noble, to clear up a problem in a neighborhood, but I feel think we're opening up a Pandora's Box.

P.O. LINDSAY:

Good point, Legislator Schneiderman. Legislator Alden.

LEG. ALDEN:

Through the Chair. Jon, this is the exact same property, I think it was last year, that you had gone through the whole history of it and ••

LEG. COOPER:

And I can go through the whole history again.

LEG. ALDEN:

I don't need you to do that. But it is a troubled piece of property that there was a number of arrests ••

LEG. COOPER:

Right. Just very briefly. This was the single most crime ridden address in Huntington Station. Literally every day there is an incident at the house; shootings, stabbings, drug use, gang related violence. And it's directly across the street from an elementary school. It got so bad that they had to shut down the playground because there was a gang fight that spilled out over to the playground, there was a shooting so they had to a lock•down at the school.

LEG. ALDEN:

Then my question becomes, okay, under the Crack House Law, which Suffolk County already has on the books, if there was drugs sold here, they would be subject to actually losing the property. But didn't you just introduce and pass legislation that would that crack house to violent felons?

LEG. COOPER:

First of all, they don't lose the property.

LEG. ALDEN:

They can after three incidents, I think.

LEG. LOSQUADRO:

Two. Two incidents, you lose the property.

LEG. COOPER:

I don't think so. From what I understand, that was ruled unconstitutional. There was a court challenge, and actually what I was told is that the same owner of this house owned property in Manhattan that mounted the court challenge, and it was ruled unconstitutional.

LEG. ALDEN:

How about your extension of that violent felonies? I think gun crimes would actually be covered under your extension of that law. Wouldn't the property get cleared up under that and the zoning that Huntington would actually have?

LEG. COOPER:

Right. Well, if the proper guidelines are followed by the police, then again, it could not be subject to confiscation, but you could take action against the tenants. The situation here, and again, it's a long complicated case because of the amount of time that has transpired, based on •• there was a terrible situation in the community where it generated literally hundreds of complaints to my office of certain from community residents and parents because it was across the street from the school. That action needs to be taken. There was certain that a child was going to get killed. And the

problem was that we at that time did not have a willing seller. The owner of the property made a lot of money renting the property to Section 8, and he was not willing initially to consider any alternative propositions. Then we came forth with this proposal to turn it into a community resource center. It generated a lot of support from the local community, and ultimately, based on this use, the property owner was willing to work with us.

LEG. ALDEN:

I don't disagree with your end use and I don't disagree with you having a problem. I do have to kind of side with Legislator Schneiderman that •• and I did last year also so I'm a little bit consistent on it •• that every time we have a problem in our district it might not be appropriate for the Legislature to go and purchase a property and do something noble with it.

LEG. COOPER:

Again, the circumstances were somewhat unique and we did get a commitment from the town to pay for •• spend a lot of money to upgrade the property. They've already done that, they've been leasing the property for the past few months waiting for the County to move forward. But they're going to be pouring a couple hundreds of thousands of dollars into upgrading the property aside from maintaining it on an ongoing basis. And they're are a couple of precedents, years ago at the County level, the County did acquire two welfare motels that were having similar problems. I think one was in Islip, I can't remember the other location.

LEG. ALDEN:

Both of them were in the Town of Islip, but neither one of them were in Islip. I have to make that clear. In the Hamlet of Islip •• they were in the Town of Islip, not the Hamlet of Islip.

LEG. ALDEN:

But also and just finally, you know you're taking a lot of money out of the land preservation system, money that could be spent out on the East End to acquire property.

P.O. LINDSAY:

Was that tongue in cheek? What amazes me is this dialog, and Legislator Caracappa is next, is that we passed •• we passed a law that was found to be unconstitutional. I find that hard to believe. I find that hard to believe. Legislator Caracappa.

LEG. CARACAPPA:

I do find that hard to believe, Presiding Officer Lindsay, that we would pass a bill that would be unconstitutional. I too, just as I stated in debate last year during this bill, and Legislator Schneiderman really did hit the nail on the head, this is a very dangerous precedent as to relates to a purchase of a piece of property, not so much using Land Preservation Funds for purchase property, that's what it's there for, but to purchase a house, a structure of this kind, and to be in an agreement with the Town of Huntington or any other town for that matter to do affordable housing among other things with Land Preservation funds is just •• it's a stretch at best and, again, sets a horrible precedent.

If we did do this, be rest assured that we would be looking to all 18 districts, we can on and on, I think one of the main debates we have had and dialog we've had since the beginning of the year, and that's illegal housing and troubled homes and the way that single•family homes are used throughout the County for purposes beyond what they're supposed the to be. So we do one, we're going to be doing literally thousands. So it does set a terrible precedent. I have another question for the sponsor, you mention the town has agreed to do this, have they passed a town board resolution?

LEG. COOPER:

They passed it last year, yes.

LEG. CARACAPPA:

Do you have a copy of the intermunicipal agreement between the County of Suffolk ••

LEG. COOPER:

Legislative Counsel has it.

LEG. CARACAPPA:

Okay. It's part of the back up of the resolution?

MR. NOLAN:

It's not part of my backup. It may be with the Clerk's Office.

LEG. COOPER:

I believe that we even heard testimony last year from a member of the town board, again, at that time.

LEG. CARACAPPA:

I'm just making sure, because I know that's mandatory what we do partnerships with townships as it relates to Land Preservation Program. But I would urge my colleagues at the very least to table this and give it serious, serious thought. I appreciate what Legislator Cooper is doing. He and I spoke about it at length many times last year. I really feel that this is very troubling.

P.O. LINDSAY:

Legislator Vioria•Fisher.

LEG. VILORIA•FISHER:

I just wanted to clarify a couple of questions. I believe we have almost gotten is there. One of them is that the resolution does state that the Town of Huntington has entered into a partnership with us •• had entered into a commitment to enter into a partnership with us, that the maintenance, operation, repairs and utility costs will fall upon the town. The resolution does say that we will be issuing 72•h on this property to the town for their administration of the parcel.

And the Multifaceted Program, if you remember, we had discussions about this during the budget talks last year, Multifaceted does include monies for affordable housing, it does set aside an amount of money, so it's not strictly for land preservation. And we haven't really spent a great deal of money for affordable housing, we've spent very little on it. I believe this is a good candidate for affordable housing, and I have seconded the bill. I think that

we have seen this before us for a whole. I'm not worried about thousands of issues like this coming up because so far we haven't spent very much on affordable housing. I don't see a great rush going into affordable housing. So I hope that we support this and move it forward.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Very quickly, I would have to agree with former Presiding Officer, Legislator Caracappa. This is a very bad precedent. This is not the way I think we should be addressing the affordable housing issue. I mean, there are many of us here that have spoken in favor of different types of affordable housing. But, you know, if there's problem with this particular house as in my district where we have a number of units that are illegal, there's a remedy there, you know, call the cops and let the town go in there and do the right zoning. But, first, are we purchasing this?

LEG. LOSQUADRO:

Yes, sir.

LEG. MONTANO:

If we purchase this one, I'm going to bring you ten homes in my district that we should purchase. Starting with ten, that's just the first list.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes, I'm going to add to that list, but before I do that, I want to compliment Jonathan Cooper, because he has worked hard for his district, he saw a problem, he's trying to find a way to solve it, but it's the method to his solution that I am troubled with. The Section 8 Program gets a lot of criticism. However, Section 8 Program has housing quality standards built into it in which if you're in violation of that for more than 24 hours, you can be thrown out of the program. So if it's a question of the quality of housing, there is remedy through the Huntington Housing Authority or the Huntington Community Development Agency which ever administers Section 8.

And if it's a question of crime, of people being shot up, of the school across the street being afraid to allow children to play in the playground, well then that question clearly falls to the First Precinct and the Police Department in dealing •• Second Precinct in dealing with that problem. I understand the problem, but I don't think that this is the method that we should use for a solution, because like Legislator Montano, I'll come in with about 20 homes scattered throughout my district where it might solve •• I'm sure Legislator Browning has a list three times as long as mine.

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

I'm trying to be very, very calm and nice about this. And to echo what has been said before, especially from Legislator Montano, I don't think this is a good use of multifaceted money to bail out a house that has some police problems, some criminal activity. And like Legislator Montano, I can bring you a list 100 houses that I have in my district that I could do the same thing with. It's like the idea is good to try to do something about a problem that you have, I have problems with a whole bunch of houses in my district, I call the cops, I try to get the town to condemn the house.

Usually what we do in the Town of Babylon that we go and work with the community, we work with the people around that house to bring some changes. And to use that •• to use the cover that we are going to use that house for affordable homes is a bad cover for the simple reason that I can go, again, in my district and find you 100 houses that we can buy and turn into affordable homes with the same •• almost the same kind of condition that this bill proposes, where you have, you know, recidivism problems, community activity, drugs, fights, gun shootings. You know, I mean, I have whole establishments like that.

So I don't think it's a good thing for us to open a can of worms, to set a precedent where we are using money that the taxpayers have given us to buy •• to preserve open space and also to buy affordable land to build affordable homes. There's got to be another solution to this. There's got to be another solution besides just having the County come in and buy a piece of property. When we turn a piece of property to the town •• that we acquire through a tax lien or tax default, we don't go out and buy and a piece of and then turn it over and say, okay, now we're going to build a community center or something because it's a troubled house. This is a bad bill.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. You know, I'd rather open the can of worms in a situation like this where you remove a blighted property from a community that's crying out for some help then, say, lighting a ball field or something like that. So it's really about priorities in my mind. It's about making sure that when we prioritize and spend taxpayer money that we're spending it for the right reason. I don't think a bill like this sets a danger precedent. I think it would only set that precedent if the underlying acquisition is not warranted. I'd be willing to entertain a list of 100 other properties as long as they have the same justifications as this particular property, which has a very troubled history, an extreme history, and on the flip side and the bright side can also give us a means to provide some affordable housing in a community that is also crying out for that type of housing as well for workforce housing.

I think it's also a good example of different levels of government coming together trying to solve a problem, working together, and I think that's a positive thing. And, again, you know, it's just a function of priorities in my mind. I think that the County, this Legislature spends hundreds of millions of dollars on very worthy causes, and all of them deserve attention, but this is something that would be very high on my priority list, especially in light of the fact that it would provide the workforce housing that's also so needed in an area like Huntington Station.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Legislator D'Amaro, I usually agree with you, but this is one area where I couldn't disagree with you more. I voted against this bill last year, I voted against it in committee, I'll be voting against it again today. I'm not going to belabor the point, but many of the comments that have been made by many of my colleagues around the horseshoe •• I really do feel that this does set a bad precedent.

You may feel differently philosophically about prioritization within this Legislative body, but I do not feel that it is the function of this level of government to get involved in a matter such as this for the reasons stated. I feel that there are other remedies at our disposal on the County level through the police department and through the civil remedies we have available based on the laws we've already passed in this body's history and on more locally through the town level through their zoning and code enforcement laws. So I do not feel it's a function of this body to get involved in this.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

It's funny. Several people have said, we want to make this an affordable house. This is already an affordable house. It's part of the Section 8 Program. We're not making it affordable, it is affordable. In terms of if we're going to have a program, you know, several people have said •• legislators have talked about priorities, particularly Legislator D'Amaro, but there has

been no process. There has been no County•wide look at all the district, all the troubled houses, some committee that would determine which ones are the priorities, how much funds would be allocated for such a program. It's just one property that's come up and somehow it's, you know, the top priorities.

I want to give an example from East Hampton where we have a housing •• community housing program. We •• the Office of Housing and Community Development administers the Section 8 Program in East Hampton, and we had a very similar problem. We had a house that was part of the Section 8 Program that was renting a basement apartment, and the H Housing and Urban Development has an investigative unit, they were notified, they came out, the individual who owned this house was given very, very, very stiff penalties and fines, and I don't know whether the house ended up being off the Section 8 Program or not, but I know that basement apartment was eliminated.

There are remedies here. And the first step in a situation like this would be to notify HUD, let their investigative unit see if they can remedy the problem. And, you know, after that occurs, maybe we can discuss this again. But it seems before we do any kind of action we should get a •• we should have HUD moving in on this one and try to resolve this.

P.O. LINDSAY:

Thank you. I just find it surprising, the similarities between East Hampton and Huntington Station.

LEG. SCHNEIDERMAN:

We have troubled homes too.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

I really don't want to belabor this, but one of my colleagues, I think it was Legislator Losquadro, talked about setting a bad precedent and it's not our function to get involved in something like this. I think it's entirely appropriate for us as a Legislative body to get involved in exactly something like this. Once again, it was the single most crime ridden address in Huntington Station, directly across the street from an elementary school where they had a lock•down because of the gang related shooting, they permanently closed the fourth grade playground because of fights that broke out across the street and spilled over to the property.

The community repeatedly called my office someone imploring someone to do something, somebody to do something before a kid got killed. This problem went on for years. The gentleman that lived at Number 3 Tower Street said • he was at a community meeting when he thanked us for taking action on this, because by our announcing this plan, the town stepped in. And during this intervening period, they've been leasing the property from the landlord. And it moved from being the single most crime ridden address in Huntington Station to zero crime, not one incident of violent crime in the previous six or eight months. And the gentleman that lived at Number 3 came to the meeting to thank us, and he said, for the first time, someone cares about their community, someone gives a damn, as he said. Someone else held us up as a beacon of hope for the entire neighborhood. And it has turned around not just 1 Tower Street and 3 and 5, the whole community has

changed, and people have •• community leaders have come out to address this and to praise us for our out•of•the•box thinking. Yeah, I know this hasn't been done before, but isn't that what it's we're about, seeing a community need?

[SUBSTITUTION OF STENOGRAPHER • LUCIA BRAATEN]

LEG. COOPER:

I mean, we're going to spend money •• Legislator Schneiderman, it's appropriate to spend taxpayer dollars for lighting for a baseball field? What was it, a VFW Hall in your district?

LEG. SCHNEIDERMAN:

Community ball field.

LEG. COOPER:

That's okay?

LEG. SCHNEIDERMAN:

Yes.

LEG. COOPER:

We can spend it for open space or farmland acquisition?

LEG. SCHNEIDERMAN:

You killed that one.

LEG. COOPER:

If it was your money, you could have spent it. So it's okay to spend taxpayer dollars for baseball fields, it's okay to spend it for art museums and soccer leagues and farmland preservation and putting in pocket parks, but to deal with a terrible problem in this community that was affecting hundreds of local •• hundreds of local residents and it was only a matter of time before an innocent child or someone else in the community was going to get killed, and the County did step in and through out•of•the•box thinking taking a different approach, we've already gone a long way to solving this problem.

Now, maybe there were other ways to address it that were not being addressed, I can't speak to that. All I know was until we acted, this was a festering problem that was going to be leading to tragedy. It was only a matter of time. And I'm proud that we've •• we're considering this bill. And as Legislator D'Amaro said, you know what? If you have similar situations in your districts, festering problems where there's a community at risk and you have a situation where a local town is willing to partner with the County, and particularly in this case where there's an affordable housing component, I would support that 100% as well. I mean, I cannot think of a better use of County taxpayer dollars then to deal with public health threats in the heart of our challenged communities, and that's what this is all about.

And, you know, I've spoken about this for a year and a half. I don't know what else I can say. This is just a planning steps resolution. I hope that I can at least get support for planning steps so this can move forward. It may even be that the landlord at this point isn't even interested anymore, it's gone on for a year and a half. I'm hoping that he still is. But I would ask for your support at least for the planning steps so we can begin negotiations with the landlord. And to reiterate, I think this is the most appropriate use of public taxpayer dollars that you could possibly think of.

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

One of these days I'm going to invite all of you to come to my district for one day and sit in my office and at least listen to the complaints that I can get in my district, because I don't think you guys understand, because where you live, I don't think you know what's going on. I applaud you, I think what you're trying to do is good, you're trying to solve a problem. I just think the methodology is wrong, I just think it's the wrong thing to do, because if you •
• you know, and Legislator D'Amaro said he doesn't mind opening that can of worms, if this •• if this is planning steps for acquisition, then by myself, I will deluge this Legislature with at least 100 homes every month, because my district, we don't buy land, because we don't have any open space to buy, so we have limited to buy.

So if this is the way we are going to spend the money, that's fine with me. But understand that within the next three to four months, you are going to come to this Legislature, you're going to have at least 100 houses from my district that I want you guys to buy. And if you don't buy it, I'm going to call

you all kinds of names except Child of God, and trust me I have some choice names for you because this is the wrong way •• this is the wrong way to spend that money.

And I understand what you're trying to do to solve a problem for people and I have •• you know, I have a good relationship with the First Precinct, and I can tell you they are in my office, I talk to somebody in there everyday. There's not a day that passes that I don't have somebody from my office that doesn't have to call the First Precinct on something, okay? If that's the way, it's fine with me, and I'm •• you know, I'm not going to vote for this. And please don't tell me it's acquisition steps, because that means we're going to buy it. If it going to be acquisition, that's what it means around here, we do the acquisition, we're going to buy it.

P.O. LINDSAY:

Planning. Planning.

LEG. MYSTAL:

Whatever. Planning steps. If we do the planning steps, we're going to buy it. That's what we do. I don't want to have the discussion again, because if we have planning steps, it's going to come back.

P.O. LINDSAY:

It's got to come back.

LEG. MYSTAL:

That's right. And I'm going to kill it today.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah. Thank you. I'd rather entertain a list of 100 properties from Legislator Mystal than half the other things that we spend money on as a County. And if you carry his example to its conclusion, we would actually have accomplished in cleaning and helping and improving a blighted area with taxpayer dollars than perhaps buying hybrid vehicles that we don't need as a Legislature and perhaps lighting ball fields and things like that. So, again, in my mind, it's a question of priorities. You know, when you •• I'm sure many of us have walked through our neighborhoods and spoken to our constituents. They talk about their taxes and then they talk about the problems on their block. That's what's important to our constituents, that •• those are the problems they want solved. They don't talk to you about vehicles and lighting systems and other things like that. They do, but not •• it's not the •• the highest priority that I believe they have.

So, again, in response to Legislator Mystal, I would welcome the list. You know what? Let's bring it on. Let's look at them. Let's set a criteria. Let's see if the towns are willing to partner with us, and then this Legislature and this County actually can do something about this type of dwelling smack in the middle of a residential community. I think that's a positive step. I think that's the right priority. Thank you.

LEG. VILORIA • FISHER:

I agree with Legislator D'Amaro and welcome any planning steps where the town is on board as a partner. I think public safety is our priority. Legislator Caracappa.

LEG. CARACAPPA:

Yes, quickly, so we can wrap this up. Jon, you're absolutely right, it's what we're supposed to do. We're supposed to act, and I think all of us do act when it comes to constituents and complaints. And as Legislator Mystal said and Legislator Romaine and everyone else said, it's just the approach that we're disagreeing with. If you can answer one question for me, currently what is going on at the premises?

LEG. COOPER:

It's in transition. The town is in the property of doing some basic upgrades to the property. They already cleared away a number of shrubs and trees that were areas where drug dealers tended to congregate. And they've done some rudimentary improvements to the building itself; I think they put a new coat of paint on and tore up some of the carpeting inside.

LEG. CARACAPPA:

So they're in the house currently? They're operating services ••

LEG. COOPER:

No, they're not. They were waiting for the County to •• right now, they're leasing the property and they're beginning to do upgrades to the property, but there's no public use at this point. As I said earlier, I formed a citizens advisory committee, established block captains, local representatives, people that live in the local community, as well as community leaders, religious leaders, other civic leaders, and they're coming back to us with their recommendations with what they'd like to see the property used for ultimately.

LEG. CARACAPPA:

Currently, how long has the town •• how long have they been in lease with this property, and how long does that run?

LEG. COOPER:

I think it's about •• oh, it's open•ended. They were hoping that this would have been resolved by now. But I'd say it's been at least six months that they've been leasing it.

LEG. CARACAPPA:

So you're telling me the town has made it clear to you that if we don't purchase this as a County and then do a 72•h with them that they're going to end this lease and bail out? This is a stopgap measure or Band•Aid approach?

LEG. COOPER:

We haven't approached that, because I hoped that it would not come to that. So I cannot speak for the town what they would do if we do not fulfill what I see as our commitment.

LEG. CARACAPPA:

So currently it seems that the problem that it was has been mitigated to a certain extent, that the •• that that criminal activity is not going on any longer, you don't have the gathering of gangs or violence coming out of that facility currently.

LEG. COOPER:

Right. The incidents of violence and other illegal activities has moved from about once a day to zero, and there's been no incidents there I'd say for at least the past six months.

LEG. CARACAPPA:

It sounds like the mission is accomplished.

LEG. COOPER:

But the problem is if we pull out of this and if the town doesn't step in and pick up the ball, it's still owned by the same absentee landlord, and he may go right back to renting it to the same people he rented it to historically. It's not a problem with one tenant, it was a problem with a series of tenants, one after the other, after the other, after the other. Again, were it not for the fact this was directly across the street, directly across the street from an

elementary school, which exacerbated the situation, I may not have gotten involved with this. But it was a confluence of, as I said, the single most crime ridden address, dozens and dozens and dozens of incidents of violence over the years coupled with the fact that it was a couple across the street from an elementary school.

LEG. CARACAPPA:

Again, we all think we should do something, and you've done it •• you tried, but the approach is just not agreeable to me and others. I think one thing we should seriously look at though, even though •• even the people who are disagreeing with this say, well, I have a bunch of houses and I know I do. We're having the Capital Budget process come up in the next couple of months, next couple of weeks actually. We should seriously consider as a Legislature, just as we've done funds for farmland preservation, open space preservation and buying land for affordable housing purposes, if we want to start a new program for doing some sort of residential housing rehabilitation projects, we should set up a whole separate fund with a whole separate criteria and consider that as part of our upcoming Capital Budget and make it one of the big cornerstones of our Capital Budget in Year 2007.

LEG. VILORIA•FISHER:

Okay. Legislator Kennedy.

LEG. KENNEDY:

I will try to go ahead and make my comments here quick, because my colleagues have all shared, I think, many cogent points. And like everybody else here, I will applaud you for your advocacy and for your synergy. By stepping in, it appears that what you've done is bring what I call the proper

parties to bear as far as remedying this. What I grow very concerned about is, is when I begin to hear that we collectively as a County should solve what clearly seems to me to be issues that lie at other governmental levels.

Legislator Romaine talked about the Section 8 Program. He knows it intimately having administering it at one point. And clearly the federal government puts very stringent requirements on use of those properties that they elect to underwrite. Same thing with town codes, Jon. We all know that. I got a complaint in my office two days ago. You know, again, we talk about our different districts and whether or not these issues are here. People in Smithtown on Maple Avenue are complaining about illegal rentals and unauthorized multiple tenants in single family dwellings.

There's town codes in place that are supposed to prohibit that, sanction owners who elect to do that and turn them into profit making entities and remedies that escalate through the civil as they approach the criminal level. So I find that I'm personally concerned that we at this level of government want to move to somehow absolve the level of government charged with immediately regulating it. So that's why I would oppose it. I applaud you for the effort, but it sounds like you moved it along.

LEG. CARACAPPA:

Call the vote.

LEG. VILORIA • FISHER:

Legislator Cooper. I'd like to call a vote at this point, because we're spending so much time on this.

LEG. COOPER:

Right. I also want to call the vote. But I want to thank my colleagues. I really think that we're all debating this on the merits, and I think that the majority of you share my concern and you're also sincere. And perhaps the approach of Legislator Caracappa to try to develop an entire new program to deal with this problem, because this is not a problem just within my district, it's a problem in, I dare say, all of our districts.

And once again, and I'm going to make a motion to table this bill, but once again, if we are comfortable in spending money for a baseball field or for a local soccer team or street lighting in a downtown, and they're all proponents of that, and maybe they are worthy expenditures, but I think as Legislators, we cannot consider this an equally worthy, if not more worthy, expenditure of taxpayer dollars.

LEG. VILORIA • FISHER:

Jon, you had us at tabled.

LEG. COOPER:

Okay. So thanks. I'm going to make a motion, reluctantly, to table.

LEG. VILORIA • FISHER:

Second. All in favor? Opposed?

MR. LAUBE:

This is a motion to table? There was a motion to approve.

LEG. VILORIA • FISHER:

No. Motion to table.

LEG. MONTANO:

On the motion.

MR. LAUBE:

There's a motion to table, you need a motion and a second.

LEG. VILORIA • FISHER:

I seconded that motion.

MR. LAUBE:

Okay.

LEG. MONTANO:

On the motion.

P.O. LINDSAY:

To table?

LEG. MONTANO:

One quick thing.

LEG. VILORIA • FISHER:

Okay. We were in the middle of the vote, though. And I think that there were some hands in opposition to the tabling motion.

LEG. ALDEN:

Roll call on the motion.

P.O. LINDSAY:

Call the roll.

MR. LAUBE:

This is on the motion to table?

LEG. VILORIA • FISHER:

On the motion to table. Legislator Montano, did you have a •• on the motion, because a roll call has to be called, before we start the roll call.

LEG. MONTANO:

Yeah. I would almost never want to vote no on a tabling motion, but I just don't want to continue the debate. It's been going on for a year and a half. So if the motion to table were to be a prelude to a motion •• you know, to a withdrawal, that would be one thing. If not, let's just get it over with.

P.O. LINDSAY:

Give the sponsor a chance to correct the bill. Jesus.

LEG. MONTANO:

All right. I'll withdraw that.

LEG. D'AMARO:

I have to disagree with going on with the debate. I actually think the debate is a healthy thing that we're doing here today. And I know we always have

the interest of time moving along, but like Legislator Cooper, I appreciate everyone's comments here on both sides of the aisle. And, you know, I just really don't agree when statements are made about, I don't want to go through this again. That's frankly why we're here I think.

LEG. MONTANO:

Can I answer that?

LEG. VILORIA • FISHER:

Legislator Montano.

LEG. MONTANO:

Yeah, I'm not one to stifle debate, however, I think we've debated this, this has been going on for a year and a half, and at some point, we need finality. If there's going to be an amendment to this bill, then fine, I'll join the motion to table. If it's just going to be put on a tabling so it comes up again so we can rehash this issue, I'd rather just resolve it now. And it's not a question of •• I don't want to stifle debate, and I would •• you know, I said I almost never oppose a motion to table by the response. I think that's appropriate. But there is a point where we say, hey, we've been down this road, let's move on.

LEG. VILORIA • FISHER:

We have a motion and a second and a request for a roll call.

LEG. SCHNEIDERMAN:

On the motion.

LEG. VILORIA • FISHER:

On the motion.

LEG. VILORIA • FISHER:

On the motion, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I'm just asking if it could be modified to a motion to table subject to call, so that we don't see it in a month, because what the sponsor is talking about ••

LEG. COOPER:

Motion to table. And I've made it clear that I'm willing to work with you. I've always been willing to work with all of my colleagues to try to reach compromise and common ground. So you've got to take me at my word on this.

LEG. SCHNEIDERMAN:

I appreciate that, but it's going to take more than a month to fundamentally create changes ••

LEG. VILORIA • FISHER:

Are you making a motion to table subject to call?

LEG. SCHNEIDERMAN:

I'm asking the sponsor to amend to a motion to table subject to call.

LEG. VILORIA • FISHER:

He has refused to change that motion. So we have the motion to table before us. Roll call.

**(THE ROLL WAS CALLED BY TIM LAUBE • CLERK OF THE
LEGISLATURE)**

LEG. COOPER:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. ROMAINE:

Pass.

LEG. SCHNEIDERMAN:

Pass.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

No to table.

LEG. LOSQUADRO:

No to table.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Pass.

LEG. ALDEN:

Pass.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

P.O. LINDSAY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. MONTANO:

Sure, yes.

LEG. ALDEN:

Sure, yes.

MR. LAUBE:

16.

P.O. LINDSAY:

Okay. ***IR 1171 (Expanding the incentive program promoting the closure of residential underground fuel tanks to aboveground fuel tanks).*** Legislator Romaine.

LEG. ROMAINE:

Motion, please.

P.O. LINDSAY:

Motion to approve, do I have a second?

LEG. ALDEN:

Second.

P.O. LINDSAY:

Seconded by Legislator Alden.

LEG. D'AMARO:

Mr. Presiding Officer, was there a motion played to approve this legislation?

P.O. LINDSAY:

Yes.

LEG. D'AMARO:

Is that where we're at right now?

P.O. LINDSAY:

Yes. There's a motion and a second.

LEG. D'AMARO:

I just wanted to know what we're •• well, I'll just offer this comment. I don't understand why we're offering •• • is this the underground tank •• the above ground? Yeah. It's kind of like an oxy•moron, The whole purpose of providing an incentive for underground tanks is because people don't know just by looking at the ground whether or not their tank is leaking.

Why •• you know, we just had a whole conversation about priorities and spending money. Why are we now giving an incentive when an person can go in there basement or go outside and know whether their tank is leaking just by looking at it? They don't need the incentive payment to do that. And frankly, their incentive would be if they see it's leaking, they're losing money because the oil is coming out of the tank. Again, as a function of priorities, I don't see the need for this legislation, and I do not intend to support it. Thank you.

P.O. LINDSAY:

Legislator Mystal?

LEG. MYSTAL:

As often is the case around here, I find myself on the side with Legislator Lou D'Amaro on this one. I do not understand •• and I want to ask the sponsor, is there a big problem in this County with above ground tank leaking that people don't know that they are leaking, that we need to tell them, yo, we're

going to give you some money if you can look at your tank to see if it's leaking.

LEG. ROMAINE:

As you know, Legislator, the incentive is \$100 for the removal, this goes to above ground tanks that are outside, not the ones in the basement as Mr. D'Amaro eluded. This is for people who have •• most people who have above ground tanks outside, many of them fall into moderate to lower income areas. I am sure if you go through your district, you will find people with above ground tanks, as I will find in mine, people live in mobile homes, for example, etcetera. That this •• you find many of these tanks that are leaking, that they don't see until it's too late, because you •• it's usually placed just barely above the ground and you don't know notice it.

It's also an incentive to people that probably by economic means could use that incentive to replace the tank. It's \$100. I think it helps water quality issues, and it also helps people have some degree of incentive to if they even suspect a leak or the tanks is corroded to replace the tank. It makes eminent sense, it's just an extension of this program. It's not going to be that expensive, and it is going to be a benefit to ground quality water.

LEG. MYSTAL:

Legislator Romaine, just to continue my comment, at the price of fuel oil nowadays, you mean to tell me that somebody who has a fuel tank that's outside or inside, outside of the house, which if you have a fuel tank, it's right next to the house.

LEG. ROMAINE:

Right.

LEG. MYSTAL:

So they never out, they're finding out that somehow they're buying, you know, two tanks full of oil every two weeks at an exorbitant price, and you are saying, like, moderate to low incomes, and they're paying that money to buy fuel oil while the tank leaking and going into the ground, they say, I wonder what's happening? To me, you know, it's common sense in terms of, you know, if you have a tank that's outside of your house, you've got to know it's leaking, if it's leaking. And if it's not leaking, if it's not leaking and somebody wants to replace it, you know, I don't think they have to have an incentive for that. It's throwing money •• to me, this is a solution looking for a problem.

LEG. ROMAINE:

I could not disagree with you more. The Oil Heat Institute of Long Island supports this legislation. The Mobile Homeowners Association of Suffolk County supports this legislation.

LEG. MYSTAL:

They want to keep them in oil.

LEG. ROMAINE:

Excuse me?

LEG. MYSTAL:

The Oil Institute wants to keep them in oil, so of course they support it. You know, Mobil and EXXON want to keep people paying exorbitant prices.

P.O. LINDSAY:

Are you done? Legislator Montano.

LEG. MONTANO:

Legislator Romaine, I have no problems with people replacing the tank. The incentive •• I'm looking at the fiscal impact statement that a company is to bill, and this is going to cost \$200,000, at least that's the estimate for 2006. The Budget Committee just heard testimony that we're going to have maybe 40, \$60 million less in our fund balance than next year.

[RETURN OF STENOGRAPHER • DONNA CATALANO]

We are coming up on a Community College budget which is going to be introduced, there's a bill on the table to limit the increase to, 2% which is •• you know, the difference between 2% and 4% is \$600,000. You know, I think we need to set some priorities, I think we need to look at this in the overall context of where we stand fiscally in the County. These piece meal bills that come before us, you know, 100,000 here, 100,000 there, 200,000 here, they sound nice at the time, but we need to look at this in its context. I would rather take the 200,000 and apply that to a Community College budget

that affects the kids primarily in my district than turn around and pass these piece meal legislation funding so that we all could look good.

You know, we had a budget process last year, we passed the budget. If there are amendments to the budget, we should do it in the context of the overall budget and the overall fiscal impact that it's going to have on the County from a wider perspective. It's nice to say to someone we're going to give you a hundred dollar rebate here, but all of this adds up. And I think that, you know, particularly this year ••

LEG. ROMAINE:

Legislator Montano.

LEG. MONTANO:

•• in looking at it from the budget we should move forward.

LEG. ROMAINE:

I just would say I think you've misread the fiscal impact of that. Obviously 200,000 is not •• 222,000 is not dedicated, and I would ask Budget Review if they could comment on that.

MS. VIZZINI:

Mr. Chairman, there was an amended copy of this legislation as of March 23rd. The fiscal impact statement unfortunately was not amended. The original version had a transfer from the water quality in the amount of

\$200,000.

LEG. MONTANO:

All right. But it's still going to cost us \$200,000 no matter where we take it from. If we take it from the left-hand pocket or the right-hand pocket, it's a \$200,000 expenditure, is that what we're saying?

MS. VIZZINI:

Well, what we are saying is that fiscal impact is based on the previous version.

LEG. MONTANO:

Okay. But the question I'm asking, Gail, is what is going to cost?

MS. VIZZINI:

We don't have the data to tell you how many people have taken advantage of the program to make the projections in terms of how much of that money would be drawn down.

LEG. MONTANO:

Okay. We don't know how many people have taken advantage. So we're going to pass a bill and we don't know what it's going to cost is what you're saying?

LEG. ROMAINE:

Legislator Montano, I'm prepared to offer a motion to table to allow Budget Review to do their work, because there's just no way that this year there's going to be 2000 above ground outside tanks replaced, which you would have to ••

P.O. LINDSAY:

What a spirit of cooperation. I'll second that motion to table.

LEG. ROMAINE:

Table until Budget Review can do an accurate financial impact statement.

P.O. LINDSAY:

Is it all right with the people on the list if we ••

LEG. MONTANO:

Yes.

LEG. SCHNEIDERMAN:

On the tabling motion.

P.O. LINDSAY:

You want to speak on the tabling motion?

LEG. SCHNEIDERMAN:

Just very briefly, because I agree with the tabling motion, but not only should BRO review this, but the Water Quality Review Committee since it's 477, they ought to review it too, because I don't think we can act on it without their recommendation as well.

LEG. ROMAINE:

That's fine.

P.O. LINDSAY:

Very good. Thank you. We have a motion to table and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Moving right along. ***IR 1219 (A Charter Law to amend the membership of the Council on Environmental Quality)***. Legislator Nowick makes a motion.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Seconded by Legislator Kennedy.

LEG. CARACAPPA:

Explanation.

P.O. LINDSAY:

Explanation from Counsel.

MR. NOLAN:

All this does is change the membership of CEQ by replacing the Chairperson of the Parks Committee with the Chairperson of the EPA committee.

P.O. LINDSAY:

Any other discussion?

LEG. VILORIA • FISHER:

Yes. In the spirit of what was mentioned earlier about recusing on a vote, because I'm currently the Chair of Environment, I'm going to recuse myself.

P.O. LINDSAY:

Okay. We need a report on that right, Legislator D'Amaro? Legislator Caracappa.

LEG. CARACAPPA:

I think it should be both actually instead of one or other, because the Chairman of the Parks Committee •• CEQ not only deals with environmental aspects of what goes on in this County, but also a lot of historic structures, which is primarily in our parks. So I don't know. I think it actually takes away from the efficacy of the board as it currently exists by not having a parks •• because when I was Parks Chairman I thought it was a very wise place to be as Parks Chair as a member of CEQ

P.O. LINDSAY:

Well, maybe I could suggest to the sponsor, maybe you want to look at further amending this or you want to move forward?

LEG. NOWICK:

No. I think that I would like to leave it the way it is. I believe that having sat that committee that that is definitely an environmental committee. There are a few parks •• a few historic things, I haven't seen anything. I'm going to leave it the way it is.

P.O. LINDSAY:

Maybe in the spirit of cooperation if the Chair of the Environmental Committee sees something on the agenda that has to do with historic structures of parks could invite the Chairman of Parks to attend.

LEG. NOWICK:

That would be fine. Thank you. That's a good idea.

P.O. LINDSAY:

Any other comments? Legislator Schneiderman?

LEG. SCHNEIDERMAN:

As the last Chairman of Parks, I often wondered why Legislators sit on committees that advise the Legislature. That's kind of a separate point. But why are we advising ourselves? It probably would be best to not have either

Legislator on it, at least a designee from the Chair. I also found those meetings often met at the same time as other Legislative Committees making it impossible to attend CEQ. So I'm going to support this, because I do think it makes more sense for the Chair of the Environment to be on CEQ than the Chair of Parks. But, you know, I think we have further to go. I think it's silly from a policy standpoint to keep putting Legislators on committees that advise the Legislature.

P.O. LINDSAY:

Legislator Alden, would you mind if Vilorina•Fisher answers that point?

LEG. ALDEN:

No. Go right ahead.

LEG. VILORIA•FISHER:

Actually, it made sense for the Parks Chair to be on CEQ years ago when Parks and Environment were the same committee, which I think was the case when Legislator Caracappa also served. Joe, right?

LEG. CARACAPPA:

Uh•huh.

LEG. VILORIA•FISHER:

So why have the Legislators as part of that committee? You become very well informed when you sit in on the deliberations on the environmental impact on these SEQRA, which we then have to vote on as Legislators. It makes good sense for the Legislator to be on that committee, to also be on the Environmental Trust Committee, because you're looking at the ways in which Real Estate is arriving at the cost of land acquisition. So it's good as a way of being informed. And coming back to your committee informed on how CEQ arrived at certain decisions. So you do get more details and you get more information to bring back to your committee.

LEG. SCHNEIDERMAN:

For clarification, because I don't want to be misunderstood, I think it's great to be there in an ex•officio capacity. And I think you should be conveying that dialog to the Legislature, but voting on a committee advises yourself seems to me to be a contradiction. That's all I'm saying.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I think that Legislator Schneiderman is echoing what Legislator Barraga said just a little while ago, and maybe it would, you know, do us a very important service if we tabled any of these until we just took a look at why Legislators are sitting on advisory panels, because a Legislator has certain •• and I think this is where Legislator Barraga was going before •• a Legislator has a certain amount of prestige and naturally can influence the direction that that impartial panel is supposed to go, whether it be an advisory board or whether it be an official board. So I thin he raised a valid point before, which is echoed by Legislator Schneiderman. And I think it would be a good thing if the Presiding Officer maybe established a little bit of a study actually to be

done and see how many boards there are where Legislators sit on then, and maybe we should take a serious look at, you know, not sitting on any of the boards that advise us.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

I would just like to echo that in my capacity as Legislator I get asked by numerous agencies to sit on the board, and I have taken the position that because I'm the Legislator in the district, I cannot sit on any of the boards. And I think it's a good policy to move up. I don't think that •• we are Legislators, we set policy. We don't need to be at, you know, a meeting where policy or recommendations for policy is being set.

LEG. ALDEN:

Being there is okay.

LEG. MONTANO:

Well, being there not •• yeah.

P.O. LINDSAY:

I couldn't disagree more.

LEG. MONTANO:

Not as a member of body. I think •• you know, at some point, and this is historic, I don't believe that •• I'm not putting my staff on task forces. I don't think that's appropriate. But I just want to echo those comments. I think we should look at that prospectively. It hasn't been the practice in the past, but it's a good idea for the future.

P.O. LINDSAY:

Anybody else? I just couldn't disagree with you more, both of you, because we're elected official to set policy. And once you give up the authority to set policy on some of these important boards, you're in dereliction of duty. Anybody else? Okay. We have a motion to approve, am I correct, and a second. Okay. All in favor? Opposed?

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Abstain.

P.O. LINDSAY:

We have one opposed, Legislator Barraga. We have abstentions in Caracappa, Montano, Alden and Vilorio•Fisher.

LEG. ALDEN:

I'm not recusing myself, I'm just abstaining.

MR. LAUBE:

13.

P.O. LINDSAY:

1323 (Appointing member to the Suffolk County Water Authority (Patrick G. Halpin).

LEG. VILORIA • FISHER:

Motion.

LEG. HORSLEY:

I'll make the motion.

P.O. LINDSAY:

Motion by Legislator Horsley, seconded by Legislator Mystal. On the question. Hearing none, all those in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1338 (Authorizing certain technical correction to Adopted Resolution No. 47•2006). Motion?

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by Legislator who?

LEG. MYSTAL:

Brief explanation.

P.O. LINDSAY:

•• Mystal, seconded by Legislator Cooper.

LEG. MYSTAL:

Explanation.

MR. NOLAN:

It's adding a small parcel to a planning steps resolution.

P.O. LINDSAY:

1338, all in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1339 (Appointing James L. Larocca as a member of the Long Island Regional Planning Council a/k/a the Nassau • Suffolk Regional Planning Board).

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by Legislator Cooper, seconded by Legislator Barraga.

LEG. LOSQUADRO:

On the motion, Mr. Chair.

P.O. LINDSAY:

On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

This is only to the Clerk's Office. I see here that myself and Legislator Romaine were listed as not present for a couple of these votes on the Planning Commission. I specifically recall being

present because I remember questioning ••

LEG. VILORIA•FISHER:

No. You weren't there for that vote.

LEG. LOSQUADRO:

- Legislator Tonna.

MS. ORTIZ:

You were in Executive Session.

LEG. VILORIA • FISHER:

No, you weren't there for that particular vote. You went to Executive Session. You weren't there for that particular vote. Remember you came back and said, oh I missed that? You weren't there for that vote. Remember you had gone out and you came back and said, oh, I missed that one and I think you had missed the Caracciolo also.

P.O. LINDSAY:

The record should reflect this is the day where we had overlapping committee meetings and one group went into Executive Session, they other started, we didn't get out of here to 7 o'clock at night.

LEG. LOSQUADRO:

I was not a member of that other committee that went into Executive Session.

P.O. LINDSAY:

Okay. Then I'm wrong. I know we had two committees going on at once.

LEG. LOSQUADRO:

I know we did, but I specifically recall asking a question to Legislator Tonna. I would just ask that ••

LEG. VILORIA • FISHER:

I'm sorry, you're correct. You did vote for Legislator Tonna.

LEG. LOSQUADRO:

•• that it be looked into. I'm going to vote on the record today, but I just have the record reflect accurately who was present for those votes.

LEG. VILORIA • FISHER:

Legislator Romaine as well was there for the Tonna vote.

LEG. ROMAINE:

I made the motion on Holmes.

LEG. VILORIA • FISHER:

He made the motion on Holmes. Legislator Romaine made that motion.

P.O. LINDSAY:

Maybe the Clerk's Office can check that record.

LEG. VILORIA • FISHER:

We'll be addressing the whole time with that particular meeting.

P.O. LINDSAY:

Moving on. We have a motion and a second.

MR. LAUBE:

Who made the motion?

LEG. MYSTAL:

Cooper did.

P.O. LINDSAY:

And the second was Barraga. Cooper and Barraga. All in favor? Opposed?

Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

We did 1340. ***1341 (Appointing Paul J. Tonna as a member of the Long Island Regional Planning Council a/k/a the Nassau • Suffolk Regional Planning Board.)*** Do I have a motion?

LEG. COOPER:

Motion.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Cooper and D'Amaro. Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1347 (Donation and dedication of certain lands to County Parks • a SCDHS Board of Review Transfer of Development Rights (File No. C02•02•0138). Do I have a motion? Motion by Legislator Montano, I'll second the motion. On the question, anyone? All in favor? Opposed? Abstentions?

LEG. LOSQUADRO:

Abstain.

P.O. LINDSAY:

One abstention, Legislator Losquadro.

MR. LAUBE:

17.

P.O. LINDSAY:

It's an abstention, not a recusal, right? ***1358 (To reappoint member of County Planning Commission (Linda G. Holmes).*** Legislator Romaine, you want to make that motion again?

LEG. ROMAINE:

As I did in committee, I will make the motion again.

P.O. LINDSAY:

We'll get the record straight. Do we have a second? Seconded by Legislator Mystal. On the question, anybody? All those in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1371 (Authorizing acquisition of land under the New Suffolk County Drinking Water Protection Program • Open Space component • Ensley property • Sagaponack Greenbelt • (Town of Southampton • SCTM No. 0900•056.00•01.00•037.003 and 037.004). Would Legislator Schneiderman like to make that motion?

LEG. SCHNEIDERMAN:

I will make that motion.

P.O. LINDSAY:

What intuition. Does anyone want to second that?

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Seconded by Legislator Romaine. Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1372 (Authorizing the acquisition of land under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks fund • Open Space component • Godzieba property • Forge River watershed (Town of Brookhaven • SCTM No. 0200•751.00•03.00 •013.00, 0200•788.00•02.00•041.000 and 0200•788.00•03.00 •003.000). Motion by Legislator Browning, second by Legislator Vilorio •Fisher. On the question? Seeing no one, all in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1373 (Authorizing the acquisition of land under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks fund • Open Space component • McLaughlin property • Forge River watershed (Town of Brookhaven • SCTM No. 0200•787.00•09.00 •006.000).

P.O. LINDSAY:

Same motion, same second, same vote. Everybody agreeable with that?
Okay.

MR. LAUBE:

18.

P.O. LINDSAY:

1374 (Authorizing the acquisition of land under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks fund • Open Space component • Rakidjian property • Forge River watershed (Town of Brookhaven • SCTM No. 0200•824.00•07.00 •048.001). Same motion, same second, same vote.

MR. LAUBE:

18.

P.O. LINDSAY:

1375 (Authorizing acquisition of land under the first (1987, as amended 1996) 1/4% Suffolk County Drinking Water Protection Program • Estate of Peter A. Cacoperdo • Champlin Creek addition (Town of Islip SCTM No. 0500•251.00•01.00•002.006). Motion by Legislator Montano, seconded by Legislator Alden. On the question, all in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1376 (Authorizing the acquisition of land under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks fund • Open Space component for the Zanghi property • Orowoc Creek Addition (Town of Islip • SCTM No. 0500•319.00•01.00 •029.001). Motion by Legislator Alden, seconded by Legislator Barraga. On the question? Nobody? All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1377 (Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program • Open Space Component (Aspatuck Creek, Town of Southampton). Motion by Legislator Schneiderman, seconded by Legislator Romaine. On the question? All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1381 (Confirming appointment of County Commissioner of Environment and Energy (Michael J. Deering).

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by Legislator Cooper, seconded by Legislator Vilorio•Fisher. On the question?

LEG. D'AMARO:

I just wanted to also note for the clerk that I was present and voted for that at the committee. In fact, I even asked Mr. Deering a question at the time, I think.

P.O. LINDSAY:

All right. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1389 (Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks fund (Pipe Stave Hallow property) Town of Brookhaven).

Legislator Losquadro makes a motion, seconded by Legislator Vilorio•Fisher. All in favor? Opposed? Abstentions? Did you want to talk to that?

LEG. SCHNEIDERMAN:

As soon as the vote is taken, I did want to make a motion to discharge a resolution.

MR. LAUBE:

18.

LEG. SCHNEIDERMAN:

I'd like to make a motion to discharge Resolution 1226.

LEG. ROMAINE:

Second.

LEG. SCHNEIDERMAN:

It's not on the agenda. Discharge from committee. It's going to have to age an hour anyway. So we'll distribute it.

MR. LAUBE:

Which resolution?

LEG. CARACAPPA:

Mr. Chairman, you have to distribute it first before you can make a motion to discharge.

P.O. LINDSAY:

Why don't you do it right after the break, all right? Then you can pass it out so people can see what it's about. All right. Before we break, just two announcements; first, there's been a public hearing added, and it's being posted. It will be posted for an hour, and it's a Local Law to amend the Suffolk County fair share for health care act. There are some provisions that we have to address on that later tonight. It's coming over by the CN, but it's listed on the public hearings for this afternoon.

And the second thing is we did make arrangements, there is a press conference having to do with telecommunications in the lobby that some of you might want to attend, but more importantly, one of our contract agencies, AEC, would very much like us to tour their facility in Central Islip. I hope everybody would remember that. And we're adjourned to the time being.

(* A LUNCH BREAK WAS HELD FROM 12:37 UNTIL 2:55*)

P.O. LINDSAY:

Okay. I apologize for the delay of the public hearings. If we could call the afternoon session to order. Mr. Clerk, call the roll.

(THE ROLL WAS CALLED BY TIM LAUBE • CLERK OF THE

LEGISLATURE)

LEG. ROMAINE:

(Not present).

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. CARACAPPA:

(Not present).

LEG. LOSQUADRO:

(Not present).

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Yo.

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. MYSTAL:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

LEG. VILORIA • FISHER:

Here.

P.O. LINDSAY:

Here.

LEG. ROMAINE:

Tim.

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. Just bear with me while I find the agenda for the public hearings.
Okay. First is ***IR 1048 (A Local Law strengthening the procedures and remedies of the Suffolk County Human Rights Commission)***. It appears that I do not have any cards? Is there anyone in the audience that would like to speak on this subject? The sponsor is making a motion to recess this agenda •• this IR.

LEG. MYSTAL:

Yes.

LEG. VILORIA•FISHER:

Second.

P.O. LINDSAY:

Seconded by Legislator Viloría•Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Recessed, 18.

P.O. LINDSAY:

IR 1069 (A Charter Law to create a consolidated Department of Audit and Financial Management). I have several cards, John Cochrane, our former Treasurer.

MR. COCHRANE:

Good afternoon, Mr. Chairman •• Mr. Presiding Officer, I should say, and Ladies and Gentlemen of the Legislature. I'll be very brief. I'm here with the County Treasurer Angie Carpenter to ask for your consideration in recessing this hearing. We will and in Albany this week, myself and the County Treasurer, meeting with finance officers throughout the State of New York, it's the Government Finance Offices Association in the State of New York, and I will be gathering and I know Angie will be as well information to bring back to you with respect to this particular resolution. So I respectfully request that you recess the hearing until we have an opportunity to present you with additional information. Thank you very much, Mr. Presiding Officer.

P.O. LINDSAY:

Thank you very much, Mr. Cochrane. Kevin MacLeod.

MR. MACLEOD:

This is the first time I've actually been here twice in one day.

P.O. LINDSAY:

How lucky are you.

MR. MACLEOD:

I'm going to talk about 1069 real quick. I mentioned this morning about, like, the LIPA sales tax issues, and I just briefly want to talk about this position, the County Treasurer. I really don't think should that we should be looking at consolidating something in finance. Obviously, this is a position that we need more than one person to oversee, I mean, when it comes to money and taxes and finances. I don't think •• I voted for this position, and it's an elected position. I really think that this is something that the people of Suffolk County should make a decision on as far as consolidating rather than actually here in front of this body of Legislators. That's it. Thank you.

P.O. LINDSAY:

Thank you very much. Bill Kirchoff.

MR. KIRCHOFF:

Good morning. Thank you for letting me speak. Basically, I oppose this position, and the reason I oppose this bill is I think in the times that we have with all of the school budgets and all of the missleight of hand of financing that this position is a necessary position. And it is needs to keep the checks and balances in Suffolk County. Thank you.

P.O. LINDSAY:

Thank you, Bill. We like it nice and brief. Nicholas LoMort.

MR. LOMORT:

Good afternoon, everyone. My name is Nick LoMort. I'm the Long Island president for CSEA, a public employee union. And I rise in opposition at this point in time, because I have this fear that when I hear the word consolidation, it usually means the loss of public employee jobs. And I have a problem with that. I would apologize to the Legislature because I did miss two other hearings on the issue, so maybe I'm not as versed or informed as I should be, but if there's anyone that could help me out and let me know that there would be no loss of public employee positions by a consolidation, that would certainly weigh on my thinking.

Being around a while as a labor leader, I've seen referendums where towns have wanted to consolidate and form DPWs and do away with elected positions of Superintendent of Highways and things of that nature. Those referendums, when they were brought to the public, resoundingly were defeated by the constituents and residents of that town. So I'm also thinking that maybe this is something that should be brought to a referendum and let the County taxpayers ••

P.O. LINDSAY:

This would bring it to a referendum. If we were to pass this, it would have to go before the public.

MR. LOMORT:

That's good to hear, Mr. Chairman. I appreciate that. So for those reasons and those reasons alone, about public employee positions and jobs and savings, and it was mentioned about checks and balances, what's going on in some of our school districts, we need more checks and balances, not less. And, therefore, I hope to be back •• be more enlightened. And if anyone would want to give me a ring on the phone and let me know, you know, the other fine tunes of the resolution, I'd be more than happy to come back.

P.O. LINDSAY:

We're all looking to be more enlightened.

MR. LOMORT:

That's a good thing. Communication. Okay. Everyone have a great afternoon. Thank you very much.

P.O. LINDSAY:

Okay. I do not have any more cards on 1069. Would anyone else like to speak under IR 1069? Seeing none, I'll make a motion to recess, seconded by Legislator Nowick. All in favor? Opposed? Abstentions? **Recessed.**

MR. LAUBE:

P.O. LINDSAY:

1070 (A Charter Law to promote honest budgeting and efficient operation of government). I have no cards. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Romaine isn't here. You want to make a •• motion to close by Legislator Schneiderman, seconded by Legislator Browning. All in favor? Opposed? Abstentions?

MR. LAUBE:

14.

P.O. LINDSAY:

1142 (A Local Law establishing Suffolk County Citizens Public Health Protection Policy by requiring retail display warning notices regarding pesticides). I do not have any cards on this issue. Is there anyone in the audience that would like to speak on this public hearing?

MR. ZWIRN:

Is this 1142?

P.O. LINDSAY:

Yes.

MR. ZWIRN:

We're just asking that this be recessed, because we're working with Legislator Viloría•Fisher and Legislator Schneiderman to try to come up with a global approach here.

P.O. LINDSAY:

Legislator Fisher, you want to make a motion to recess?

LEG. VILORIA•FISHER:

Motion to recess.

P.O. LINDSAY:

Seconded by Legislator Barraga. You have that, Mr. Clerk? Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

14.

P.O. LINDSAY:

1142 is recessed. 1143 (A Charter Law to require all leases for property at Francis S. Gabreski Airport to be approved by the Legislature to streamline County Government).

I have one card from Jim Morgo, Commissioner of Economic Development.

COMMISSIONER MORGO:

Good afternoon. I would ask you to close this public hearing. 1143, as you know, restores the decision making process for leases at Gabreski Airport to you where it belongs. Prior to 1998, the jurisdiction was yours. It's under State Law and County Charter Law that it should be here like all other leases.

That being said, I want to tell you that the Citizens Advisory Board at Gabreski, of which I'm Chair, has made a great deal of progress to be certain, to be certain that the neighbors of the airport let their views on our leases be known to you at its next meeting, April 17th. They will have a process in place, and we will be able to present this to you at the next meeting of the Economic Development Committee, which would be May 10th, and where this, 1143, would be recessed to. Thank you.

P.O. LINDSAY:

Thank you very much, Commissioner Morgo.

COMMISSIONER MORGO:

You are very welcome, Mr. Presiding Officer.

P.O. LINDSAY:

We have a question from Legislator Schneiderman.

COMMISSIONER MORGO:

How are you, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Good. How are you? The Advisory Committee of which you spoke they •• I guess on April 17th, they're going to be coming forward within that committee with their recommendations. Wouldn't it make sense to recess so those recommendations become part of the hearing process?

COMMISSIONER MORGO:

No. Because if this is closed, it's my understanding that this would go to the Economic Development Committee on May 10th, where those •• those recommendations will come before the Economic Development Committee, in addition to which the •• I spoke as recently as yesterday with my Vice •Chairman of the Citizens Advisory Board, you know him Beau Rogers, and the idea was there was going to be three different proposals, two of which will actually work. And we want to present those at the CAB on the 17th, then to the Economic Development Committee. So before you vote on this, you would know what they are.

LEG. SCHNEIDERMAN:

Is it your belief or understanding at this point that they will be recommending something other than what is in the bill in front of us, which is just a straight abolition of the committee?

COMMISSIONER MORGO:

They're going to recommend, Legislator, a mechanism so that the citizens will have a codified way of letting you know their views of every perspective lease before it reaches you.

LEG. SCHNEIDERMAN:

The reason why I bring that up is because if there's going to be a change in this bill, it will have to have a brand new public hearing.

COMMISSIONER MORGO:

This bill will not need to be changed. This bill •• the folks on the Citizens Advisory Board and the subcommittee looking at leases are fully aware that the decision making, the scrutiny of the leases, should be yours and they know that's happening.

LEG. SCHNEIDERMAN:

But I've been to those meetings, and there's extensive discussions, and in fact, you supported the discussion that there somehow be a mechanism codified within the Charter that the Legislature would consider the recommendations prior to acting on the granting of the lease. And I don't understand how you codify it unless there's an act of this Legislature. So it would mean a new bill.

COMMISSIONER MORGO:

We could do it by Executive Order. We could also bring a new bill before you.

LEG. SCHNEIDERMAN:

So if there's going to be a new •• I mean, we could close this, you could simply submit a new bill or you could recess it.

COMMISSIONER MORGO:

The new bill, Legislator, if it were a new bill, would say •• would establish this committee and ask that it have a formal opportunity to speak before you on its recommendations for leases analogous to the CEQ, as the CEQ has advisory recommendations to you as to the SEQRA process.

LEG. SCHNEIDERMAN:

So in one bill, we would abolish the Airport Lease Screening Committee and create a new committee whose recommendations would be reviewed by this board.

COMMISSIONER MORGO:

That's not what I said.

LEG. SCHNEIDERMAN:

No? Repeat what you said.

COMMISSIONER MORGO:

I said that this bill stands in and of itself restoring to this Legislature what it rightfully should have had all the way since 1998 when there was a change made, when we had this aberration, really, where the only leases that would be considered in this kind of convoluted process, that would be one bill.

Then there would be, as Citizens Advisory Board •• excuse me for talking while you're interrupting. Jay, you have been, as I have, to the Citizens Advisory Board, and you know where these folks •• what they are trying to establish, and they are fully aware that their recommendations would be advisory, but you are right, they want to make sure that they'll be listened to.

LEG. SCHNEIDERMAN:

You're advocating a two•step process. I would feel more comfortable with a

one•step process. If the Lease Screening Committee is going to be abolished, at the same time, we'd be creating a new committee that had some •• something within the County Laws that would require that their recommendations were considered. Otherwise you run the risk of abolishing the one without any guarantee that they will be elevated in stature to a committee, you know, with that type of weight to their recommendation.

COMMISSIONER MORGO:

Well, you know what's happened at the Citizens Advisory Board? We've established a level of trust, and it took us a while. But there is this feeling that there is common ground now, and they know that •• as a matter of fact, they're not even sure that what formed this new subcommittee is going to take. But they're working on it, and they know what I was saying today, and the folks are supportive of it.

P.O. LINDSAY:

So you don't feel comfortable mixing the two together.

COMMISSIONER MORGO:

I don't think its necessary, Legislator. In fact, the thrust of this legislation, 1143, is to restore the decision making ••

P.O. LINDSAY:

I mean, we have went the whole gamut here where we had the screening committees, you know, rule that airport to the point that we couldn't get a

lease done out there for years to the point that the citizens around the airport are very concerned the other way about it being overdeveloped in some way and coming back to the Legislature. So I think we have to find a balance.

COMMISSIONER MORGO:

I know you appreciate brevity, Legislator, so I'm going to try to be as brief as possible. One of things where it would be appropriate is for the Citizens Advisory Board to report to the Economic Development Committee before the end of May. We have to make a report to you the Legislature and the County Executive before the end of May.

There's been a lot of positive things happen. The subcommittee that's been looking at leases, as I indicated to Legislator Schneiderman, there is a plan, they know what they want to do, they are comfortable with this legislation to return the scrutiny of the leases to you so we have a more •• a more productive method than was under the Airport Lease Screening Committee. And then they want to establish, as Jay said, a system so that you will consider their beliefs and their opinions on each lease. That's where we are. One is not contingent upon the other.

P.O. LINDSAY:

But I think what Legislator Schneiderman is saying is he's a little mistrustful.

COMMISSIONER MORGO:

I wish that were not the case.

P.O. LINDSAY:

The communities voice wouldn't be heard if we just do this without ••

COMMISSIONER MORGO:

I understand that. I am not mistrustful.

P.O. LINDSAY:

Okay. Legislator Vilorio•Fisher.

LEG. VILORIA•FISHER:

Mr. Chair, I think we should go back top your original statement which is that there could be two separate pieces looking at this that don't need to be mixed. This •• 1143 is putting the decision making where it should be, before the Legislature, as it is with all other leases.

You mentioned codifying the advisory capacity of this group. That could be done under separate cover as a different resolution. So closing this would work because we are not anticipating making any changes to this particular local law. We would just introduce a new resolution to codify all of the responsibilities and advisory positions of the Citizens Advisory Committee; is that correct?

COMMISSIONER MORGO:

That's how I see it.

LEG. VILORIA • FISHER:

So they would be two separate resolutions?

COMMISSIONER MORGO:

Or separate actions, yeah.

LEG. VILORIA • FISHER:

Good. I'll make a motion to close.

P.O. LINDSAY:

We have a motion to close by Legislator Fisher, you want to second that?

LEG. SCHNEIDERMAN:

No. I would make a motion to recess.

P.O. LINDSAY:

Motion to recess, okay. I need to a second to both or either.

LEG. COOPER:

I'll second the motion to close.

P.O. LINDSAY:

Second the motion to close by Legislator Cooper.

LEG. ROMAINE:

Second to recess.

P.O. LINDSAY:

And Legislator Romaine makes a motion to recess •• second to recess. I think the recess takes precedence. We're checking the rules.

LEG. COOPER:

I purpose we hand wrestle over this.

LEG. VILORIA • FISHER:

Me too.

LEG. SCHNEIDERMAN:

While he looks it up, can I speak on either motion?

P.O. LINDSAY:

I am going to overstep my boundaries and make a ruling from the Chair, recess goes first. What do you want to say?

LEG. SCHNEIDERMAN:

I wanted to comment on what Legislator Vilorio•Fisher said. The problem with two bills here is that one could happen without the other. And that's what really is, I think, scaring the people who live around the airport.

P.O. LINDSAY:

Did the Legislator from the First District let that happen?

LEG. SCHNEIDERMAN:

The Second District.

P.O. LINDSAY:

Excuse me.

LEG. SCHNEIDERMAN:

Well, I'm trying not to let that happen. But there's no guarantee. You know, you could basically abolish the Lease Screening Committee and then nothing would happen. And what they like about the Lease Screening Committee is not that it takes the power away from us, they have no problem with the Legislature making those decisions. It's just that there is a local venue to vet some of these issues where they don't have to come up to Hauppauge. They can do it right there in Westhampton. That's what they are hoping for. If there's a committee that meets in Westhampton and has some ability to guarantee that before we vote we have at least heard what they have to say, I think that they can accept that. And that's the direction it's moving in. And if you do it as two resolutions, I think it's a show of bad faith. I would rather see one resolution abolish the Lease Screening Committee and create the new process. And that's why I ask for a recess.

P.O. LINDSAY:

Okay. Do we have anybody else that wants to talk on the motion to recess. Yes, Legislator Horsley.

LEG. HORSLEY:

Just quickly. Mr. Morgo, you had promised that you would have something to the Economic Development Committee prior to our hearing of this issue?

COMMISSIONER MORGO:

Yes.

LEG. HORSLEY:

Okay. Yes is the term there. How about as being Chair of that Committee, I would move to table if that is not on the agenda, that second piece?

LEG. SCHNEIDERMAN:

I don't see the hurry. Personally, I'd rather see the public record be made here at the public hearing with those comments becoming part of the body of that record. You know, I appreciate that, Legislator Horsley. My preference is just that I don't see the hurry. Why can't we just recess it for another month?

COMMISSIONER MORGO:

If I may, Mr. Presiding Officer? In addressing Legislator Schneiderman, I understand, Jay, what you are talking about the way the folks feel out there. I've been working with them, as you know, since the middle of the summer, of last summer.

However, they know where we are, and they are pretty confident ••I could share with you an e•mail I received yesterday, as a matter of fact, from Beau. You are right, they' don't want to have to come here on every lease, and that's why we are going to have a process where they can report to the Legislature in writing, they can do what the CEQ does through the committee

system. So they're aware of that.

And as far as Legislator Horsley's comments, I frankly thought about asking for another recess, but I saw the way the calender came down, that we're going to have •• the CAB is going to vote on the proposals on the 17th, that would give us time for you for the 10th, and that would be before your next meeting. If in fact, as the Legislator said, we don't have something on the table at that committee meeting ••

LEG. HORSLEY:

It will be tabled.

COMMISSIONER MORGO:

It will be tabled, then 1143 will be tabled as well.

LEG. HORSLEY:

That's right. That's what I meant.

LEG. SCHNEIDERMAN:

I'm not convinced, but let the Legislature vote on it and let the chips fall as they may.

P.O. LINDSAY:

Nice try at compromise, but it failed. Does anyone else want to speak on the recessing motion?

MR. LAUBE:

Mr. Presiding Officer, who was the motion and second?

P.O. LINDSAY:

Motion to recess by Legislator Schneiderman and the second was by Legislator Romaine. All in favor of recessing this? Opposed of recessing this? Opposed, eight. You have all eight?

LEG. BROWNING:

You have mine? Abstentions? Any abstentions? No abstentions. No abstentions.

MR. LAUBE:

Five.

P.O. LINDSAY:

Fails. We have a motion to close and a second. Any discussion on the

motion to close? Seeing no hands, all in favor? Opposed?

LEG. SCHNEIDERMAN:

Opposed.

LEG. ROMAINE:

Opposed.

P.O. LINDSAY:

Two. Abstentions?

MR. LAUBE:

Motion to close?

P.O. LINDSAY:

It should be 12•2. We did the vote. It was 12 for, two opposed. Legislator Schneiderman and Romaine are opposed.

MR. LAUBE:

12.

P.O. LINDSAY:

We are up to **1214 (A Charter Law to transfer the Division of Cancer Awareness from the Suffolk County Department of Environment & Energy to the Suffolk County Department of Health Services)**. I do not have any cards on this. Is there anyone in the audience that would like to speak at this public hearing? Seeing none ••

LEG. ROMAINE:

Motion to recess.

P.O. LINDSAY:

Motion to recess by Legislator Romaine, do I have a second?

LEG. KENNEDY:

I'll second.

P.O. LINDSAY:

Seconded by Legislator Kennedy. All in favor? Opposed? Abstentions?
Hearing is recessed.

MR. LAUBE:

That was 15.

P.O. LINDSAY:

IR 1276 (A Charter Law to enhance public hearing process). I have no cards. Is there anyone in the audience who would like to speak on this? Seeing none, I'll make a motion to close, seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

15 •• 16.

P.O. LINDSAY:

1290 (A Local Law expanding volunteer firefighters and volunteer ambulance workers real property tax exemptions). I have no cards. Anyone in the audience like to speak on this subject? Seeing none, motion to close by Legislator Eddington, seconded by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. LAUBE:

16.

P.O. LINDSAY:

1296 (A Local Law establishing responsible standards and controls for alarm systems that require Police Department response). I have one card, Paul Romanelli.

MR. ROMANELLI:

Good afternoon. My name Paul Romanelli, I'm with Suffolk Security Systems located in Southold in the great state of District One. I also am a member of the Long Island Alarm Association and a past vice•president. And I've spoken here before when the first resolution was introduced.

I'm in favor of this resolution as I believe most of our association is. The last time we were here, I think there were about 25 members here with us. Unfortunately, this week there's a major conference in Las Vegas and a lot of other alarm dealers are at that conference this week. I had the privilege to stay here in Suffolk.

I can state a couple of things, comments I have about the resolution. First, I understand there is some disputes with the Police Department regarding registration of the alarm systems. I might suggest that that is mandatory and remain in the resolution. Registration is key to reducing false alarms. In Nassau County, we have seen in the last five years an increase in alarm systems of about 10% a year in installations, and yet a 20% reduction in false alarms in the last five years since they started registration. I might also add that they've also collected \$1.7 million in revenue in fines and registrations.

I spoke about this once before. In Southold Town, we also have a registration process, and I will submit once again, a copy of that registration form. This particular form has on it a questionnaire that each alarm owner must •• is required to answer before their permit is actually issued. It reduces false alarms immediately, because many of questions that are asked are certainly then causing alarm dealers to go back and give new lessons to the alarm owners.

We find that 90% of our false alarms are user error. They're not mechanical in nature. They are often user error. And it's usually somebody who's not trained in proper use of the alarm system. So we can help reduce a lot of that. The resolution's great. There's been terrific cooperation between our industry and this Legislative session. I really appreciate that. In addition, Harvey Cohen for the Metropolitan Burglar and Fire Alarm Association is also here, he's not going to speak, but he also endorses this as well. Thank you very much.

LEG. ROMAINE:

Question.

P.O. LINDSAY:

Wait a minute. We have a question. And I thank Harvey for coming and not speaking. Legislator Romaine.

LEG. ROMAINE:

Actually it's a request. Just give my office a call, because I know you are a

constituent and I know your family very well, just give my office a call, because I'd like to get your input on this resolution. We're probably going to either recess it or close it today, and at some point in the future it will come to a vote, and I just would like your input on that. Thank you so much.

P.O. LINDSAY:

Okay. I do not have any other cards on this particular public hearing. Is there anyone •• Chief Moore, more would you like to speak on this?

CHIEF MOORE:

I guess I do. Again, I'm Chief of the Department, Robert Anthony Moore, Suffolk County Police Department. The Commissioner has in the past expressed his reservations about this law. Two aspects in particular; the registration and the fine system. He stands silent on whether or not these are positive or negatives for the community, but he is concerned about the Police Departments having the burden of administering the program.

As some of you may know, back in the late '70s, early '80s, there was an alarm law passed, which I believe may still be on the books, and that called for a fine structure. Now to my knowledge, and not a single fine was ever collected, yet the Suffolk County Police Department had to develop a 15 person bureau just to deal with the massive amount of paperwork associated with that. So that's why he is concerned about that component, the fine structure.

The registration too, again, the Police Commissioner is concerned that the Police Department will be overburdened administering that program. The

Police Department right now has a no•response policy, as many of you know, in the •• well, it actually began in 2004 when Commissioner Dormer took office. In that time frame, the number of false alarms have been reduced by over 20,000 false alarms. And this was only alarms generated by businesses, which had 20 or more false alarms during the period.

In addition to that, the non•response list, which at one time had been as high as 150 businesses, this is throughout the Police District, of course, not the five eastern towns. The list went from 150 offenders down to 139[.|.|.] The worst offender on the original list 160 false alarms in less than a year, and the now highest offender has 59 false alarms. So we are making inroads.

Lastly, as you may know, because the alarm law that is being enforced by Police Department is being enforced by the Patrol Division, and this maybe a minor point, but the fact of the matter is the Patrol Division is a Funds 15 Division. And I believe that any fees from either fines for from registering will go into the 01 Funds. So in effect, the Patrol Division will be responsible for the administering the entire program, when in fact, none of the fiscal benefits will go to the Patrol Division.

P.O. LINDSAY:

If you would bear with us, Legislator Alden has a question for you, Chief.

LEG. ALDEN:

Just a quick question. Do you know if any of those false alarms were actually real alarms? Did we have any police reports, I guess, it would be after the fact then?

CHIEF MOORE:

Well, when you say real alarms, you mean they found breaks?

LEG. ALDEN:

Yeah. Where somebody actually broke in or something like that.

CHIEF MOORE:

Well, you know, on occasion that does happen. You know, generally, a police officer responds to a ringing alarm. And he or she makes no determination as to whether or not it's false until they check the property. What do they do? Well, they check the doors, they check the windows. Most of the time the police officer is a veteran within his or her area, so they know the nature of the community. For example, in the case of this one business that had 160 false alarms, or the ones that, I mean, 40 false alarms, 59 false alarms. Is it possible that some of those are attempts? Well, there doesn't seem to be any indication like tools marks or breaks or that sort of thing. Could they be acts of nature; rain? But, you know, it didn't rain 160 times or 59 times.

So even given the benefit of the doubt that there may have been an attempt, which we can't discern or there may have been an act of nature, which is a possibility, that's still an excessive number of false alarms. To answer the question directly, no, we don't have a record of, you know, the alarms that at one moment appeared false, but then when the business was opened the next day, they discovered that there was something awry.

LEG. ALDEN:

I'm just asking because you have a no•response policy.

CHIEF MOORE:

Yes.

LEG. ALDEN:

Okay. Thank you.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Hi, Chief. On a similar vein to the Legislator's question, the do not respond list, you say it's now about 139, I guess, businesses.

CHIEF MOORE:

Approximately. It fluctuates, of course, because •• indulge me •• when a business demonstrates to us that they have made a correction either by showing us a bill or replacing the alarm, that sort of thing, they're immediately taking off the no•response list. It's not something that, well, you're on the no•response list, and you're never going •• no. The moment you demonstrate to us that you've done something proactive to improve that alarm system, which by the way, once again, 20 false alarms within a year, then you're immediately put back on the list.

LEG. KENNEDY:

Chief, the other question I have, I guess, just is a mechanical or technical question. Now, these alarm systems, are they hard-wired into the precincts? How do you become aware of them, what's the connection? And is there any kind of severing during that time period where it's do not respond?

CHIEF MOORE:

There are two major ways in ways in which the Police become aware of alarm; someone calls and says, that miserable alarm is ringing again, when you get down here do something about it. That's one way, a call. Another way is through a central station alarm system, and this is, of course, and the gentlemen can help you with that, a person will have an alarm system put into the business, because, again, right now we're talking strictly about businesses, not residential. And along with the alarm, they sign up for a service so that when the alarm rings, the alarm can't go directly to 911.

In the '80s that did happen, they had a dialer-type alarm that would call 911. And every time it rained, 911 would collapse under the weight of the these really less expensive alarm systems. Well, we corrected that, and now, those alarm systems can't call directly to 911, but they can call to a central station, alarm station. And an individual calls the police and tells us, we have an alarm ringing at such and such address.

LEG. KENNEDY:

So it's a still a voice communication that actually is the process at this point?

CHIEF MOORE:

Yes. Yes.

LEG. KENNEDY:

And that business, I guess, and whomever alarm system provider is are both papered somehow or notified by you for •• until they remedy that calls, I guess, will not be taken in or entertained vis a vis some type of alarm situation, is that it?

CHIEF MOORE:

Yes, sir. The initial list was developed after we sent road sergeants to each of the offending businesses and spoke to a person in charge at the businesses and basically said, listen, you are killings us with the false alarms, you have to do something about it. That was the first warning. Subsequently, I believe it was in January of 2005, we sent nearly 700 letters to offending addresses once again telling them, look, you have to do something about these alarms. Then, once the alarms continued, those individuals who did not respond to the personal visit, did not respond to the letter, and there were 150 of them, which actually was pretty good when you consider nearly 700 letters went out, at that point they were put on the no•response list.

LEG. KENNEDY:

Okay. So there's been notice, more than ample notice, as a matter of fact, going to the firms.

CHIEF MOORE:

We believe so, sir.

LEG. KENNEDY:

Okay. Good. Thank you.

CHIEF MOORE:

Plus they get notified every time the alarm goes off. We get a hold of them and say, look, your alarm is going off again. Drag them out of bed too, often.

LEG. KENNEDY:

Thank you, Chief. Thank you, Mr. Chair.

P.O. LINDSAY:

Anybody else have any questions? Yes, Legislator Barraga.

LEG. BARRAGA:

Chief, your comments have been keying in on, what, business?

CHIEF MOORE:

Yes.

LEG. BARRAGA:

This legislation also deals with residential. You know, I mean, you take the average person who wants security in his house, he may or she may spend well in excess of a thousand dollars to get a firm come in and do the doors and do all the windows, and then usually a firm is recommended to handle any possibility of a break•in, and you're paying either a monthly or a quarterly fee there. I mean, that could run several hundreds of dollars a year. Now, this particular bill says that there would be some sort of a registration fee for the residential homeowner of \$75, which is good for three years, and then after that \$60 or \$80. Well, how much of a problem is it on a residential level? I mean, if the alarm goes off on the house, it's usually the firm that you've hired phones the house back and there's some sort of a code you have to give if it's a false alarm. It doesn't really go to the Police Department. But if they phone back and no one answers and the firm calls the Police Department, why shouldn't you respond?

CHIEF MOORE:

To homes, sir? We do.

LEG. BARRAGA:

Well, is there any penalty to the homeowner in this particular bill if you respond X amount of times?

CHIEF MOORE:

Can you help me with that, Mr. Cooper. I don't have that in front of me. I'm sorry.

LEG. COOPER:

The penalties vary whether the home or the business is registered. The fine is kicks in earlier, and it's a greater fine if they're not registered. But the first two •• and it doesn't matter whether it's a business or home •• the first two incidents, there's a warning notice that's given. It's the third incident and greater where the fine kicks in.

LEG. BARRAGA:

I'm concerned about that residential. Is that problem for the Police Department right now? Do you have homes where you're responding 20, 30, 40 times a year?

CHIEF MOORE:

Yes.

LEG. BARRAGA:

You do?

CHIEF MOORE:

Yes, we do. But again, up to this point, we have chosen not to address the issue with the residents. Now recently, we did send a letter to offending homes. But there is no non•response list for homes.

LEG. BARRAGA:

When people make that decision to put security systems in their homes, it's usually for a reason, all right? And it's expensive. And now we turn around and we're going to hit with a \$75 registration fee and the possibility, maybe through no fault of their own, that at some point somebody is going to come along and fine them.

CHIEF MOORE:

Well, again, sir, from the Police Department's perspective, we're really •• we stand silent on the issue of registering and fining businesses or homeowners. Our major concern is that we may bear the burden of administering the program.

LEG. BARRAGA:

I have no expertise with reference to the business side. Obviously, it's a problem. But I would ask the author of the legislation to really take a look at some of the provisions as they apply to the residential and maybe pulling back a little bit on that. Thank you.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

Chief, I just want to make sure it's clear in my mind. You are not against reasonable standards and controls, you are saying that your department will have to administer it, and you're not getting any extra funds, and that means using police officers to administer instead of being out on the street where we want them.

CHIEF MOORE:

And the distasteful experience that we had in the late '70s and early '80s kind of support our concern. Again, I don't believe there was a registration fee at the time, but there was a system of fines; you know, three false alarms within three months. You know, something like that. But no fines were ever collected. And the Police Department, it was a paperwork nightmare for us, having to, you know, hold on to these records for X number of years, because as most of you know, there are retention schedules, having the personnel to catalog and track. And again, we're trying to address the issue of false alarms, which in 2005, we had approximately 135,750 false alarms. Far less than in the past, but still a considerable number of false alarms.

LEG. EDDINGTON:

It would appear to me then, that your department left out of the loop when this law was being decided.

CHIEF MOORE:

I wouldn't say that the Police Department was left of the loop, sir. Actually, the Commissioner was consulted and he voiced his concerns, and he did make suggestions for other agencies within Suffolk County that might be in a better position to the registering and administering of the programs.

Don't forget, sir, that any time an individual is cited for having a false alarm, he or she has the options of pleading not guilty and going through a hearing. Can you imagine some of the •• because now, an individual with 59 false alarms who pleads not guilty 59 times, who's the hearing officer going to be? We've gone through this with the seized vehicles, where at one time, Police Captains were the hearing officers, and it was determined that that was inappropriate because it was a bit incestuous. And now we have paid hearing officers for the purpose of deciding whether or not a vehicle was seized legally. Can you imagine if we had to do that in the case of every false alarm?

LEG. EDDINGTON:

Thank you, Chief.

P.O. LINDSAY:

I have a suggestion. We could use the Nassau arbitrators to be the hearing officers, you know, because we can't let them do arbitrations in Suffolk. Let me •• I'm confused about something. The initial impetus from this came from the Police Department. A couple of years back, didn't you guys come to us and wanted us to pass a bill?

CHIEF MOORE:

I don't know, sir. I'm sorry. Prior to 2004, I really can't speak to.

P.O. LINDSAY:

Okay. I think that's where it originally came from as I recall. So I'm confused now. If you guys do not want this bill, I can't imagine the consumers wanting it. Why would they want to pay another \$75 a year? Where is the impetus for this coming from?

CHIEF MOORE:

Again, sir, as far as the bill itself is concerned, the Police Department really is not making a statement as to whether or not the bill is good or bad. The Police Department is merely saying that, please don't have us as the licensing ••

P.O. LINDSAY:

Let me make it clear. Do you want this type of legislation? Does the Police Department want this type of legislation? Only if you don't have to enforce, is that it?

CHIEF MOORE:

Yeah.

P.O. LINDSAY:

Okay. Legislator Cooper.

LEG. COOPER:

I do have a question, but if I could just a little bit. And we have worked very closely with the Police Commissioner and the County Exec's Office and the Alarm Association. My office has spent more time on this bill than any other bill in the past six and a half years. And it's a very complicated issue, and we've all been working in good faith days.

The original impetus did come from the Police Department and the County Executive. Your memory is correct. And I think the basic bone of contention at this point is who should be administering the program, should it be the Police Department or should it be Consumer Affairs, which is what the Police Commissioner would prefer? I don't think there's any doubt that a program such as we are suggesting here works. Nassau County has it, they have had a dramatic reduction. There are municipalities across the country that have implemented this, great reduced false alarms. And it's •• for example, in Suffolk County, we spent three and a half million dollars last year or nearly 68,000 patrol hours were lost responding to false alarms. There were 135,000 •• over 135,000 incidents of false alarms. So it's a problem, it's a nationwide problem. I think everyone is on board that we want to resolve it. We've gotten to the point now where it's the final details, and we're getting a lot closer.

P.O. LINDSAY:

Could I •• again, exercising the prerogative of the Chair. So you want

Consumer Affairs to handle this?

LEG. COOPER:

No. No. The Police Commissioner wants Consumer Affairs. In 99.9% of the municipalities across the country where they've implemented a program like this, it's always the Police Department that administers it.

P.O. LINDSAY:

What is this?

LEG. COOPER:

My bill calls for the Police Department. And the revenues that are generated •• in Nassau County, it generated \$1.7 million last year.

P.O. LINDSAY:

How many registration fees are we talking about? How many licenses or whatever you call it?

LEG. COOPER:

They don't know for sure. I actually asked that question yesterday, and since they're not registered, no one knows how many businesses and homes in Suffolk County have alarms systems, that's part of the problem. But there are a lot.

So the estimate •• it would probably generate about \$2 million a year in revenue for Suffolk County. That's not the impetus for this, but that's certainly a side benefit.

P.O. LINDSAY:

But the other side of that, if you have to register literally, maybe tens of thousands of homes and businesses, I don't want to be in a room when you tell the Commissioner of Consumer Affairs that he's got to take on this responsibility. I don't care how much revenue it generates, he is overwhelmed now.

LEG. COOPER:

That's why I think it should be the Police Department. In Nassau County, they have four civilians in the Police Department who run of entire program. It generated \$1.7 million last year. The year before, \$2.1 million. And they have four personal. So I think it's manageable. And that's why we're very close. I think we can really resolve this within the next month or two, and we're still working together cooperatively. But I did want to ask, if it's okay, Mr. Romanelli, I think •• did you want to respond to a statement by Chief Moore?

MR. ROMANELLI:

Yes, very briefly. I spoke several years ago to the Suffolk County Chiefs of Police Association, and that was an issue across the board from every Chief in Suffolk County about where the funds go. Their budgets are already

constrained, now you're putting another burden on them. We agree that maybe some of the funds should go to the Police Department to help fund this. This can be a revenue non•issue for •• cost•issue for the County if it's done right.

The other about this law is it's not just about collecting money. It is about saving money and reducing the time that patrols are out there by reducing false alarms. One part of this legislation states •• you had asked the question earlier how an alarm system works. The typical alarm system, when an alarm goes off, we call the home. If there's no answer, the next call is typically to the police and then to the homeowner. Nine out of ten times a homeowner will say, oh, mu goodness, the cleaning lady is there today or I have a maintenance man there today, cancel.

Currently, if a central station calls Suffolk County Police back and says cancel the alarm, they can't do that. They have an obligation to go. This resolution addresses that. And if it's done through the proper procedures, it can actually stop a police officer from actually showing up at the home. So we reduce false alarms even more. We are in favor of, you know, making this a cost•neutral issue and reducing false alarms. And we've worked with Legislator Cooper's Office as well as the Police Department.

P.O. LINDSAY:

Thank you. Are you done, Legislator Cooper. Yeah? Okay. Legislator Kennedy.

LEG. KENNEDY:

Thank you again, Mr. Chair. Again, my questions go to either of the gentlemen here and to the sponsor, and it's just a little bit more as far as the technical stuff. I'm scanning the bill. Does the registration process require, actually I'm concerned primarily with the Police Department, is there any police personnel that do any physical inspection at the inception or the initial registration, or is it merely just a paper process that's submitted into you? Anybody do an on-site?

CHIEF MOORE:

At this juncture, I believe it is a paper process, sir. We are trusting to the expertise of the people in the alarm industry to •• I believe they are all licensed anyway in Suffolk County.

LEG. KENNEDY:

Okay. Then my next question to Mr. Romanelli then, are we still relying upon the individual businessowner and/or homeowner, or does the provider, the system provider, become involved at all in any representation or certifications associated with the permit process?

MR. ROMANELLI:

Currently, the way it's done in Nassau County, it's ultimately up to the consumer to make sure it gets registered. However, most of us take responsibility for that. In my own company, we actually register the alarm, pay the fine and collect it from our customers, most do not do that.

The other thing is that on the alarm registration forms, there needs to be a spot for the alarm company's license number. So we're all New York State licensed, not even County licensed. We're have state licenses to make sure the system is installed to proper ••

LEG. KENNEDY:

And you mentioned that by doing this, then there would be ability to disengage the Police Department in the event that it's maintenance personnel, housekeeping personnel, somebody authorized by the order to be in there, which we don't have now?

MR. ROMANELLI:

Yeah, that's correct. This resolution addresses that and helps reduce false alarms by allowing a cancellation of an alarm to the Police Department only through the central station that called it in. There's a procedure set up for that.

LEG. KENNEDY:

Chief, that's your understanding?

CHIEF MOORE:

Yes, it is. You know, we're very fortunate. The alarm industry has really been wonderful about it. You would think that they may object to this type of legislation, but they've been very supportive. And we want to thank Legislator Cooper also for trying to help us resolve what for us has become a

crushing burden, that being the false alarms. But again, we do have that concern about, you know, what it's going to mean to us on the other end. So if the Presiding Officer when you're going to go speak to Consumer Affairs, I'd be happy to go with you.

P.O. LINDSAY:

Not me. The sponsor. The sponsor goes.

LEG. KENNEDY:

Thank you, Mr. Chairman.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

I hate to beat this to death, but just so I understand. The \$75 fee goes to the Police Department. It says payable to the Police Department •• didn't that say for a permit payable to the Suffolk County Police Department?

MR. NOLAN:

The monies go the General Fund, but there is that language that the monies collected should be used to enforce this program.

LEG. NOWICK:

So it goes to the General Fund, but eventually to the line for police?

MR. NOLAN:

No.

LEG. NOWICK:

No. The only thing I find is that I would a very, very difficult time telling my constituents that now that you have a security system and you have done this to protect your home and for the safety of your family, now we are going to slap on another fee for you to protect your home. And I have a feeling they might look at me and say, don't we pay taxes, isn't that the fee we pay already. So I think that this is •• may not be a good way to go about this. I understand false alarms, because believe me, they happen in my house all the time. It's not something that we want to do ••

CHIEF MOORE:

What's your address ma'am.

LEG. HORSLEY:

You're on the list.

LEG. NOWICK:

I'm sure I am on the list. But to punish everybody for the few that have so many, what is it, eight or ten false alarms.

CHIEF MOORE:

Our threshold is 20.

LEG. NOWICK:

Twenty. I mean, why not •• instead of charging every single person, I'm talking about my district alone, everybody there and punishing everybody, why not when it gets up to 20, tell the alarm system, you are out, we cannot take you any more, go find someone else. I mean, why am I charging every one of my constituents for those few?

MR. ROMANELLI:

I can answer that from my perspective, and I'm the guy that puts the system in. I don't like to talk to customers about additional monies that they have to spend. However, I'll tell you this. Putting a registration fee in and having them send in that document has consistently forced them to become responsible about them. We have so many ••

LEG. NOWICK:

But you're still hurting most of the people that are responsible, that don't

have 20 calls. And if you think it's hard for you to charge, that's your business to charge. Can you imagine how we feel?

MR. ROMANELLI:

Here's the other part about it that we know of from other districts, and I don't know if it would be the same way here depending on the software, but in other parts of this country where this law is enforced, those registrations •

- in fact, in my own Southhold Town Police Department, those registration forms get logged into the Police Department, and they have specific dispatch directions on how to get there. They can actually get to a home faster, because they know more information about the alarm system and where that place is located. So, you know, we have had absolutely, in both Nassau County and in Southhold Town where I am, have had absolutely no problems having the alarm systems registered. Customers understand it, they understand their responsibility for it, and we really haven't had an issue with it.

LEG. NOWICK:

So that people already have alarms will go back and pay?

MR. ROMANELLI:

Absolutely. In fact, in Southhold Town, if somebody doesn't not have alarm registered ••

LEG. NOWICK:

Are you going to send them this before or after they get their school tax bill, because I'm not doing it?

MR. ROMANELLI:

In Southold Town, if somebody has a false alarm and it's a different police district and they don't have an alarm registered, of course, the police do show up there, but the next thing is they get within 10 days a letter from the town that says you need to register this alarm. And they're given the new form that has the questions on it. And I can tell you, many customers call up and say, I don't know how to do some of these things on my system, and they're the problem. So registering these alarms out there does a couple of things. It, one, makes sure that there's a faster response, it pushes them to be more responsible about their alarm, and frankly, overall reduces false alarms. It definitely reduces false alarms.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

Thank you, Mr. Chair. A question for either the gentleman or perhaps Legislator Cooper. How •• I appreciate that when there's a new alarm installed the information would be given by the installer, the company, how do those who already have alarm systems throughout Suffolk County receive notification of this law and the requirement to register.

MR. ROMANELLI:

In Nassau County that was done really straight forward. There is specific phone numbers that a central station calls to report an alarm in Nassau County. And what happened once the law was instituted there was when a central station called in an alarm, the dispatcher would immediately look it up on the system to dispatch and notice if there was an alarm or not •• permit or not.

If there was no alarm permit, they were immediately assigned one and given back to the central station with the understanding that there now is going to be a bill and a follow up went to them. Nassau County, what happens in Nassau County is if you don't have one, central station is actually sent a bill by the Police Department to get •• to get the alarm permit in. Subsequently, that's made every alarm dealer in Nassau County more responsible of making sure they're registered, because it comes back. Nobody wants to be told •• I don't want my customer to come back to me later and say you never told me about this.

So it's in our interest to make sure it's done.

LEG. STERN:

That's also understandable. But what about those situations where somebody has the •• I guess, the hardware for the alarm system, but isn't hooked up to any, you know, central reporting system? Are we saying that the first time perhaps they receive notification is the first time the alarm is triggered.

MR. ROMANELLI:

That's actually a good question. I don't think it's really addressed here, because we do have customers that don't have central station monitoring,

and a neighbor sometimes calls in on those, and they are fined actually as a false alarm. So our recommendation is those should be registered also. If you're going to have an alarm and it's there for a reason, if you're going to have some sort of an outdoor siren that's going to set off and let people know that, you know, there's a possible in your home, that's considered an alarm system, whether it's going to a central station or not. If they get a call, it should be registered.

P.O. LINDSAY:

Okay. Legislator Stern, to answer you, this bill, the bills will go out under Legislator Nowick's signature charging everybody \$75. Legislator Mystal.

LEG. MYSTAL:

I was just talking with Legislator Nowick, because we just happen to know a county in Florida called Palm Beach County where the registration is \$5. To register the alarm is five bucks. You get the first false alarm for free. Thereafter, you just charged \$75 for each false alarm, and that bill is put on your tax bill. It's put on your tax bill for your false alarm. The first one you get for free. Thereafter, for every false alarm you get, you get charged 75 bucks. Let me tell you exactly what happens to you first, when you get the first one for free and they come to your house and they tell you the second one is going to be 75 bucks, you get very, very, very careful not to have a second one or a third one.

MR. ROMANELLI:

Well, this bill is actually very similar to that in that instead of getting of one false alarm, you're getting two false alarms for free.

LEG. MYSTAL:

But see, the registration fee is only \$5 down there.

MR. ROMANELLI:

But the second false alarm is 75 bucks. In this case, you are paying 75 for two false alarms right off the bat.

LEG. MYSTAL:

That's a deal. You get a two•for.

MR. ROMANELLI:

That's not an annual fee. The \$75 is not annual, right?

LEG. COOPER:

Actually after the initial registration, when you get to the renewal, which is every three years, it drops to \$20 a year for the renewals.

LEG. MYSTAL:

What I'm proposing is see, I really think we have a problem with false alarms in this county. And I proposing reducing the fee to \$5 and charging them for

a false alarm.

LEG. COOPER:

Let me tell you to just to try to wrap this up.

P.O. LINDSAY:

Please, please, wrap it up.

LEG. COOPER:

These are all things we're negotiating. And trust me, you don't want to have been involved with these meetings over the past year and a half. But we have to decide what is the proper mix of •• you know, should we increase the fine a little bit and lower the permit fee or •• and it's all being worked it. So hopefully in the end we'll come up with something that everyone agrees with.

P.O. LINDSAY:

Legislator Cooper, what do you want to do with this legislation.

LEG. COOPER:

I would like to recess this.

P.O. LINDSAY:

Yeah. I'll second to recess. All those in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Thank you fellows. Thank you, Chief Moore. Chief Moore has been with us all day today.

I am going to exercise the prerogative of the Chair and skip to **1394 (A Local Law to strengthen nursing home screening requirements)**, because we have one card and one speaker, and she has another appointment and has to leave. Laura Ahearn.

MS. AHEARN:

Thank you, Presiding Officer. Six months ago, a 54 old man snuck into an 84 woman's bedroom and forcibly sexually abused her. The rest of the story is that this 54 year old man was a registered convicted sex offender, considered to be what New York State classifies sex offenders as a moderate risk offender. He previously was convicted in 2001 for first degree attempted rape of a 60 year old woman in a Suffolk County hospital psychiatric ward.

So here he lands a few years later in the Brunswick Hospital Nursing Home in Amityville, Legislator Mystal.

LEG. MYSTAL:

I know the case.

MS. AHEARN:

We spoke about it. So now what happens is the Amityville Police Department does exactly what they should do, they notify the facility, but the facility doesn't inform the residents. So this 84 motionless woman laying in her bed has a sexual predator in the facility, and no one has informed her. And he sexually abused her.

This facility cares for very seriously ill individuals, elderly individuals that are very vulnerable. The state law does not have any language whatsoever that addresses this problem. So what this legislation would do, it's landmark, I have to tell you, it's trail•blazing, I haven't seen anything like this in the entire nation. And again, we come before this Legislature, and as always, the Legislature responds with legislation to protect our most vulnerable.

So what this would do is it would require that all nursing home operators take greater responsibility for the safety of their residents by screening current and perspective employees. Now, the state does do background checks on medical workers. So anybody whose in the facility that's a physician or a health care worker, they have to be fingerprinted, so they would check using that system that's in place already.

But we have interns that are coming in and volunteers that are coming in that are never checked through the registry. So this would give an added protection to the residents in the home and even the staff as well, that anybody who is in contact with a vulnerable population in this facility would have to be checked through the State Sex Offender Registry. It's an 800 number, and there's no cost whatsoever to call.

Also, they're going to be required to screen current and prospective residents. And if they find that a resident is a registered sex offender, they would be required to inform employees, all current residents and also next of kin in those situations where you have somebody, maybe who is not fully conscience and aware and unable to protect themselves fully.

In this case, this woman was •• had the wherewithal enough at least to tell her daughter when her daughter came in to see her later that •• later that evening. So what I would say is this legislation is, again, going to protect our most vulnerable. And none of us would expect something like this. And every time I come here it's usually because there's been another victimization and a sexual predator has again been one step ahead of us, but we are taking a very strong measure to protect our most vulnerable. Thank you.

P.O. LINDSAY:

We have a question from Legislator Mystal.

LEG. MYSTAL:

As you know, I'm very aware of this case. But I want this law for a simple reason. I'll give you something else that happened in my community, in my district. A sexual predator who was in jail, and was put in jail for raping a 14 year old, was sent to a work site. Now, the work site is any place that we send funding from the County. And they have a work site in my district which teaches people how to, you know, use computers, you know, get back into •• you know, re•enter into the workforce, people on welfare who are supposed to be adults. Now, this sexual predator, and this is the part that gets to me.

P.O. LINDSAY:

Get to the question.

LEG. MYSTAL:

I'm getting to the question. This sexual predator was known by the Department of Labor, because he did register. They knew he was a sexual predators. Social Services knew he was a sexual predator. He went and voluntarily registered himself with the First Precinct in my district. The First Precinct notified residents where he lived, but nobody at the work site knew what he was. So he went to work and low and behold, he tried to attack a young lady there.

Now, people are saying that this is a work site where only adults were. I don't understand the fact that, you know, somebody rapes a 14 year old, what makes them think they're not going to rape a 30 year old? But on top of it, those women who come to learn computer skills sometimes, because of babysitting problems, will bring children into the system. How do I prevent •

P.O. LINDSAY:

There's the question.

LEG. MYSTAL:

There's the question. This is the problem. The Department of Labor knew, the public service knew, the Police Department knew, but the people at the work site never knew. How do I prevent something like that from happening again in my district?

MS. AHEARN:

Well, I'm going to try to make this as brief as possible, but you did address a number of issues. Number one, that offender was suppose to register his work place address as part of the State Law, which he did not. So law enforcement here in Suffolk County, as usual they are very proactive and they notified work places, he did not.

LEG. MYSTAL:

He did. He went to the Police Department, to the First Precinct, told them what he was, told them where he was going to work.

MS. AHEARN:

He has to •• here's what he's required to do. He is a Level III sex offender, and he's required by State Law to register annually, and also, he's required to

show himself at the local jurisdiction where is residing, which is the precinct. He goes there every 90 days, proves his address, but he doesn't prove his work address. He has to register that with the state. He failed to register his work place address. Okay. I'll verify again ••

LEG. MYSTAL:

The man registered at the Police Department on March 30th, he committed the crime on March 8th.

MS. AHEARN:

He failed to register his work place address as far as I know. If he informed the local precinct, he actually should have been informing the State Division of Criminal justice Services. But that's only one issue, Legislator.

The second issue is that the Department of Labor can make resources available. And I contacted the Executive's Office, and they're going to be setting up a meeting so that they are very clear about what they can release. There's no reason why they can't say, here, look at the state's website, you can see Level III offenders, look at the Parents for Megan's Law website, we have the Level IIs and the Level III offenders. So they can on their own, that community agency, can verify anybody that's sent to them. And thirdly, just because a sex offender molests a 14 year old, doesn't mean he's not going to have the propensity to molest somebody older.

LEG. MYSTAL:

I know. What I'm saying to you is when I contacted, A, the Labor

Department. They told me well, yeah, they knew he was a sexual predator, but it wasn't their job to inform the work site. I contacted Social Service, they say, yeah, we knew, but it wasn't our job. I contacted the First Precinct, they said, oh, yeah, we knew, but we took down where he lives, it's not our job to let people know where he works. Whose job is it?

MS. AHEARN:

Whose job is it? Incredibly sex offenders in New York State are on an honor system registering their addresses, their work place addresses, and we have this expectation that this is going to be updated. This guy was working there longer than two days, Legislator. So how long was he there for? It was my understanding that he was there for at least a year.

LEG. MYSTAL:

He was there for a long time.

MS. AHEARN:

So he was violating the state law.

LEG. MYSTAL:

He told the Police Department where he worked. The problem is that the Police Department told me that it wasn't their job to inform the place where he worked that he was a sex offender. We didn't know he was a sex offender at the job.

MS. AHEARN:

If they have the work place address on the registration form, in other words, he registered that with the state, if you have that ••

LEG. MYSTAL:

I know he registered. The Labor Department sent him to the job.

P.O. LINDSAY:

I think we're getting far afield of the current bill, all right? Does anyone have anything else on 1394? Seeing none, I'll make a motion to close the public hearing, seconded by Legislator Eddington. All in favor? Opposed? Abstentions? I thank you for hanging around, Ms. Ahearn.

MR. LAUBE:

18.

P.O. LINDSAY:

1324 (A Local Law expanding veterans alternative real property tax exemption). I don't have any cards. Does anyone in the audience want to speak about this proposed IR? Motion by Legislator Stern to close, seconded by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:

16.

P.O. LINDSAY:

1354 (A Local Law to require sufficient notice of Planning Commission referrals and meetings). I have one card, Carolina Schaffer.

MS. SCHAFFER:

Good afternoon. My name is Caroline Schaffer, I'm a resident of 27 Gleason Drive, Dix Hills, within the jurisdiction of Suffolk County at the convergence of four towns. I'm here today to show my support of Legislator Stern's proposal, Resolution 1354. As this legislation was brought on primarily by the development occurring along the Commack Road corridor, I ask the Legislators to not only approve the resolution, but make it effective immediately to projects not yet built, but still may be in the approval process. Approving this legislation and not holding the developers along Commack Road accountable to it would be a gross failure of its intent.

There are valid concerns that exist amongst the community who at this time have relied only on each other for information. It is a fact that on March 1st, 2006, the Suffolk County Planning Department recommended that the application for special permit of Deer Park Enterprises, Tanger, be declined. And it is a fact that the Planning Committee blocked that recommendation by four abstention votes allowing the application to be returned for local determination, thereby defeating any opportunity for the County to have a say in that project.

I urge this Legislature to approve this resolution immediately and look into how to mitigate the affects to residents and small business owners of projects not accountable to this resolution. Thank you.

P.O. LINDSAY:

Thank you very much for coming here today. Is there anyone else that would like to speak on this public hearing? Hearing none, Legislator Stern?

LEG. STERN:

Motion to close.

LEG. COOPER:

Second.

P.O. LINDSAY:

Motion to close, seconded by Legislator Cooper. All those in favor? Opposed? Abstentions?

MR. LAUBE:

17.

P.O. LINDSAY:

Okay. ***IR 1391 (A Local Law to ensure proper storage of toxic pesticides in retail stores)***. I have no cards. Is there anyone in the audience who would like to speak on this public hearing? Seen none, what is your pleasure, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

In light of Ben Zwirn's comment earlier that we're working together on a kind of omnibus pesticide bill with Legislator Viloría•Fisher, why don't we recess as we did with the other bill?

P.O. LINDSAY:

Motion to recess. Do i have a second? Seconded by Legislator Viloría•Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

16.

P.O. LINDSAY:

IR 1393 (A Local Law to amend the membership of the Hispanic Advisory Board). I have no cards. Anyone in the audience like to speak on this resolution? Seeing none, motion by Legislator Montano to close. Do I

have a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

Seconded by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. LAUBE:

16.

P.O. LINDSAY:

1395 (A Local Law to amend the Suffolk County Code of Ethics and the Suffolk County Financial Disclosure Law). I have no cards. Is there anyone in the audience that would like to speak on this resolution? Seeing none, I'll make a motion to close. Do I have a second?

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Seconded by Legislator Romaine. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

P.O. LINDSAY:

One opposition, Legislator Barraga.

MR. LAUBE:

16.

P.O. LINDSAY:

1397 (A Local Law amending the composition of the Suffolk County Space Management Steering Committee). I have no cards? Is there anyone who would like to speak on this IR? I don't see. What is your pleasure, Legislator Kennedy?

LEG. KENNEDY:

I'll make a motion to close, Mr. Chair.

P.O. LINDSAY:

Motion to close. Do I have a second?

LEG. ALDEN:

Second.

P.O. LINDSAY:

Seconded by Legislator Alden. All those in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

The final public hearing is the one that was posted before, ***1493 (A Local Law to amend Suffolk County Fair Share for Health Care Act)***. Some correction to the Suffolk County Fair Share For Health Care Act. I don't have any cards. Is there anyone in the audience who would like to speak on this IR? Seeing none, I'll make a motion to close, seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

That concludes the public hearing. We will be setting the date for the following public hearings of Tuesday, May 9th at 3:00 p.m. at the Rose Caracappa Auditorium •• I'm sorry. The 2007•2009 Capital Budget and Program. And setting the date for the following public hearings, Tuesday, May 16th, at 2:30 p.m. at the General Meeting of the Legislature at the Maxine Postal Auditorium in Riverhead. Again, 2007•2009 Capital Budget Program IR 1409, IR 1410, IR 1466, IR 1491, and IR 1492. Back to the agenda. I should make everybody aware that we have been in contact with the funeral home and that they will open at 6:30 if we can conclude our business early enough, because they are expecting a large crowd there tonight. So Legislative personnel would be able to get there early.

P.O. LINDSAY:

1401.

LEG. ROMAINE:

Mr. Presiding Officer?

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

I'd like to make a motion to discharge **Resolution 1226•2006, a resolution to create an East End Health Task Force.**

P.O. LINDSAY:

We have a motion to discharge, I'm sorry what was the IR?

LEG. ROMAINE:

The IR is 1226 of 2006, it's a resolution.

P.O. LINDSAY:

Do we have copies of it?

LEG. ROMAINE:

Yes, we do. It's been distributed to all. And again, this is a task force that by way of explanation will not cost the taxpayers any money. It's all volunteers. To meet Legislator Barraga's concerns, no Legislators are going to serve on this or any of our representatives. However, the County Executive does get to serve, his Health Commissioner gets to serve, the County Executive gets to select a member of the East End Hispanic Organizations, he gets to select an East End African American, an East End senior citizen. So the County Executive does have a lot of representation on this. And the Chairman of Health and Human Services gets to select a designee of his choice as well as the Executive Officers of the three hospitals there, one of the Supervisors of the East End can select someone; the mayor, the Health Commissioner and a number of other health organizations.

The goal of this organization is to look not only at the clinics or public health nursing, but it's a much broader aspect. We have three hospitals there that have come critical financial concerns that we want to take a look at. We want to take a look at health specialties on the East end and the delivery of health care services in general. The committee will meet, a year from now they'll present a report and the Legislature can ignore it or deal with it. But it will give an opportunity for people on the East End to take a look the delivery of health care services overall. And again, it has no cost involved. We think it makes sense particularly since the volunteers have agreed to take a look and work very hard for this task force.

P.O. LINDSAY:

I gather that was a motion.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Okay. Do we have a second?

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Seconded by Legislator Schneiderman. On the issue, Legislator Mystal.

LEG. MYSTAL:

The Health and Human Services Committee tabled this resolution, and we tabled it, because from information we got from the County Executive that the County Executive was reaching out to the sponsors of this resolution and trying to work something out with them in terms of if we were going to have a task force to look at the delivery of health services, we should do it County •wide, not just for the East End, because most of us have concerns in our own district and to this County in terms of delivery of health care in this county.

So we had tabled it for that reason. And I will ask that it remain tabled until the County Executive and the sponsors work some kind of a •• have some kinds of understanding as to what that task force is going to be, if it's going to be just for the East End or just for the West End. And I will ask Mr. Ben Zwirn to say something in terms of that if you know anything, through the Chair.

P.O. LINDSAY:

If a Legislator has some questions of you, Ben, that's fine.

LEG. MYSTAL:

Am I correct in saying that the County Executive is trying to reach out to ••

MR. ZWIRN:

Indeed, the County Executive has reached out to Legislator Romaine from what I understand. And he said he would support a task force County•wide. But one of the things he's afraid of, he's worried about the people in the Town of Islip. Legislator Alden has been very concerned about health care delivery to his constituents. For almost the last two years he's been trying to get the Bay Shore Health Clinic opened up. Every one of you have concerns from your constituents no matter where you are in the County.

But the County Executive has reached out and said he's support a task force that was broader in scope. He is afraid of the balkanization of the County talking about East End versus West End. The County supplies •• you know, it distributes its assets according to need and not just on geographic location.

P.O. LINDSAY:

Okay. Thank you.

LEG. MYSTAL:

Also, since Legislator Alden's name was brought up, I would like to invoke one of his favorite arguments, why do we have a committee if we can discharge anything we want. The committee tabled it, and if it's not an emergency, then it should go through the process to the committee without being discharged on the floor.

LEG. ALDEN:

Mr. Presiding Officer.

P.O. LINDSAY:

Yes.

LEG. ALDEN:

Just a quick response to that.

LEG. ALDEN:

See, I don't believe in the committee system. I think it all should come out anyway. So that's the second part of that statement.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I think it's important for the Legislature to know the genesis here. There is a County Health Advisory Committee, and that Health Advisory Committee made a recommendation that because of the geography on the East End and some of the complexities in delivering health services that there ought to be a separate committee focused entirely on delivery of health services on the East End, and this was simply forming that committee following the recommendations of the County Committee. And there is some sense of urgency here, because we have some critical issues that have gone unaddressed that we like to be able to resolve, including the three hospitals that Legislator romaine mentioned. And it's just an advisory committee,

we're just looking for input from health care professionals. And I for the life of me can't understand why we wouldn't be entitled to get the best advise that we could get so that we could put forth some recommendations before this body.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Just a quick response to Mr. Zwirn. I know he is in consultation. One, the County Executive has not reached out to either myself or Mr. Schneiderman. Two, at not this past committee cycle but the one before, Mr. Zwirn asked me to table it to change some of the language, which we did. And he said if the language was changed, they would have to objection. In the interim ••

MR. ZWIRN:

No.

LEG. ROMAINE:

That's exactly what you said to me.

MR. ZWIRN:

We can go back and get the minutes, but that's not exactly what I said. The County Executive has always maintained that this be a County•wide task force, not an East End task force. I know the origination this came from is the South Fork Community Health Initiative, which is the group •• because if you read the letter from the author here, this is identical to Legislator Romaine's bill, they just took the top off.

P.O. LINDSAY:

Legislator Montano, did you want to comment •• and again, all we're talking about at this point is to discharge the resolution. It has nothing to do with the merits of the bill at this point.

LEG. MONTANO:

With respect to the discharge petition, is there anything new that's being brought to horseshoe now that wasn't presented at committee? In other words, if it didn't go through the committee and you want to discharge it, is there something that we need to know that wasn't brought forward in committee, or is it just rehashing what came up in committee?

LEG. ROMAINE:

I'm on that committee, so I can answer that. I was told by the Chairman, "You know, this isn't going to get out, we have to hurry the agenda," because we had a long agenda that day. So there was no substantive debate at all on this issue in the committee, and I think the Chairman will concur because of the presses of the day. So we haven't had that. And I just was told it was going to be adjourned.

I immediately sought out Mr. Zwirn and said, "What happened?" Because we changed the language, we faxed it over to you, we also e•mailed you on that, what happened? And he said, "Well, now the County Executive wants to do it County•wide." Now I can understand that. However, as Legislator Schneiderman himself points out, the County Committee has recommended that there be a separate look at the East End because of some of the issues that exist out there. These are all volunteers. It isn't going to cost the County any money. It's a task force simply to look at East End health care issues, which •• I mean, for example, if you live in Orient or Greenport, the closest health clinic is Riverhead. That's a travel. Buses don't always accommodate people. So it's a global look at how we deliver health care services, not only the County, overall and to makes some general recommendations.

P.O. LINDSAY:

Legislator Montano, are you done?

LEG. MONTANO:

Well, I'm trying not to go to the merits of the bill. I'm just to ascertain, you know •• what I think I got from you is that it didn't receive a full debate at committee because there wasn't enough time.

Is that a fair statement?

LEG. ROMAINE:

That's correct. There was no debate on the merits.

LEG. MYSTAL:

Mr. Chair. This is a true statement. At the end of the meeting we were rushing. And I told Mr. Romaine that this was not going to get out of committee, because we were rushing to get out. And then the other reason also was that I had spoken with Mr. Zwirn before, and he told me that the County Executive was trying to reach out to Mr. Romaine and Legislator Schneiderman to work out a compromise where the bill would be changed into a County•wide task force instead of just a parochial Peconic Bay county task force.

LEG. MONTANO:

Thank you.

P.O. LINDSAY:

Anybody else want to comment on the discharge motion? No? I just want to weigh in, and I am not going to vote for the discharge, but I would like it addressed in committee. I do think that we have a critical problem on the East End with our health care delivery system, but we also have a critical problem with a lot of our hospitals throughout the County. And you know, the Medicare and Medicaid funding situation is just making it worse. And pretty soon the system is going to collapse if somebody doesn't do something with it.

LEG. MYSTAL:

I promise the Chair that in this committee this bill will get a full hearing.

Also, I think people have to understand, you live in the East End you think you have a crisis. I live in the West End, I live in the West End and Brunswick Hospital closed. So I don't have an emergency hospital within a 20 mile radius of me.

So what I'm saying to you is, you know, I think it's a good to have a County•wide system. Bay Shore is completely lacking in terms of health care. So I think it would be a good idea to have a County•wide task force. That's why I'm kind of resisting a little bit in terms of making it just an East End thing.

P.O. LINDSAY:

So we have a motion and a second to discharge. All in favor? Opposed? Roll call.

**(THE ROLL WAS CALLED BY TIM LAUBE • CLERK OF THE
LEGISLATURE)**

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

No.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

No.

LEG. MONTANO:

Pass.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

No.

LEG. MYSTAL:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

No.

LEG. VILORIA • FISHER:

No.

P.O. LINDSAY:

No.

LEG. MONTANO:

No.

MR. LAUBE:

Eight.

P.O. LINDSAY:

1401 (Authorizing planning steps for acquisition under the Suffolk County Community Greenways Fund Program • for active recreational purposes • of the Lewis Oliver property (Town of Huntington, Village of Northport)). Do I have a motion?

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Cooper. Could I have a second?

LEG. VILORIA•FISHER:

Second.

P.O. LINDSAY:

Seconded by Legislator Viloría•Fisher. All in favor? Opposed? Abstentions?

LEG. EDDINGTON:

Mr. Presiding Officer.

P.O. LINDSAY:

Yes.

LEG. EDDINGTON:

Is the too late to move to discharge another resolution, 1290?

P.O. LINDSAY:

Has it been distributed?

LEG. EDDINGTON:

We need to make photocopies.

P.O. LINDSAY:

Okay. You want to make a motion to discharge 1290?

LEG. EDDINGTON:

Right. It's a local law expanding volunteer fire departments and volunteer ambulance, real property tax exemption.

P.O. LINDSAY:

We just had the hearing on it, right?

LEG. EDDINGTON:

Right.

P.O. LINDSAY:

Is there a time sensitive ••

LEG. EDDINGTON:

Yes, it is.

P.O. LINDSAY:

Okay. The motion to discharge has to age an hour, and then in that interim, could we make sure we all have a copy of it.

P.O. LINDSAY:

Legislator Alden. I didn't get a second yet on that.

LEG. ALDEN:

Just a point of clarification. Tax status dates already passed, so you can't change and give anybody an expanded anything basically until after next March. It's gone. So I think we lost the tax status date is in March.

LEG. EDDINGTON:

Can we get a ruling on that?

P.O. LINDSAY:

You want to hold off on the motion until we research that?

LEG. EDDINGTON:

Yes.

LEG. ALDEN:

I don't want to fool around with the hour.

P.O. LINDSAY:

Well, we didn't vote on it yet to discharge it for an hour.

MR. NOLAN:

Why don't you discharge it, let it age and then we'll see ••

P.O. LINDSAY:

You want to do that? You want to discharge it •• vote on the discharge and let it age an hour, and by then we'll have the answer of whether it's effective now or not?

LEG. EDDINGTON:

That will be fine.

P.O. LINDSAY:

You know, if we can't do any immediate good, I would ask you that you commit it to committee so it can go through the process, all right?

LEG. ALDEN:

I'll second the motion to discharge.

MR. LAUBE:

We already have a second.

P.O. LINDSAY:

By Legislator Vilorio•Fisher. Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. It's been discharged, 1290, and you'll make sure we research that, and if it's going to have some affect at the present time, we'll get it distributed. 1402.

MR. LAUBE:

1401. You had a motion and a second.

P.O. LINDSAY:

A motion and a second, we didn't do a vote on it.

MR. LAUBE:

No, you did not do the vote on it.

P.O. LINDSAY:

1401. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1402.

LEG. STERN:

Mr. Presiding Officer.

P.O. LINDSAY:

Yes.

LEG. STERN:

Thank you. Also, I'd like to make a motion to discharge •• this is resolution, local law •• this is 1324, a Local Law expanding Veterans alternative Real Property Tax exemption. There's an important time element here. I guess also we're going to wait until •• 1324.

P.O. LINDSAY:

1324, we just had a public hearing on it. Okay. Let me just get the motion. We have a discharge motion, do I have a second? A second by Legislator D'Amaro. And I'm going to take a vote on it, and then you can comment on it. And again, if it's time sensitive, we'll address it in an hour. If it isn't, I would ask that it go through committee. Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Did you want to comment now, Mr. Zwirn?

MR. ZWIRN:

I'll comment when you are ready for a vote, but both of these are retractive back to January. So we can get them done •• the faster we can get it, we can get it going.

LEG. KENNEDY:

You can't retroactively alter the tax status date.

LEG. MYSTAL:

No, you can't.

MR. ZWIRN:

Well, these would be eligible back ••

LEG. NOWICK:

The tax warrant is the tax warrant, isn't it.

LEG. KENNEDY:

But the tax status date is March 15 by virtue of the Tax Act.

LEG. ALDEN:

We'll get that in a minute though.

P.O. LINDSAY:

We're doing a little research on that to verify that what you said, Ben, is the absolutely truth.

LEG. LOSQUADRO:

You mean he can't supercede Federal Law?

P.O. LINDSAY:

You want to debate that with him?

LEG. ROMAINE:

I have just a question not a debate. Ben, while I realize that you're not Legal Counsel, doing something retroactively still has the force of law? This doesn't

- by doing this virtually after the fact, ipso facto, it doesn't affect the legality of this resolution?

MR. ZWIRN:

My understanding is that this will be retroactive back to January. That's the best I can give you as opinion.

P.O. LINDSAY:

We are getting a legal opinion.

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

1402 (Approving the reappointment of John Caracciolo, as a member of the Suffolk County Planning Commission). Do I have a motion?

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by Legislator Cooper, seconded by Legislator Vilorio•Fisher. Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

LEG. STERN:

Opposed.

P.O. LINDSAY:

We have one opposition.

MR. LAUBE:

17.

P.O. LINDSAY:

1342 (Accepting and appropriating 100% grant funds from the New York State Office of Temporary and Disability Assistance to the Suffolk County Department of Social Services to continue the 100% funded "Employment Shuttle Program"). Motion by Legislator Vioria •Fisher, do I have a second? Second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

IR 1365, 1365A (Appropriating funds for the addition to the Maxine S. Postal, Tri•Community Health Center located in Amityville (CP 4022). Legislator Mystal, would you like to make a motion on this?

LEG. MYSTAL:

Yes.

P.O. LINDSAY:

I will be happy to second that motion. We need a roll call.

**(THE ROLL WAS CALLED BY TIM LAUBE • CLERK OF THE
LEGISLATURE)**

LEG. MYSTAL:

Yes.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Even in the absence of Bay Shore Health Center, yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

LEG. VILORIA • FISHER:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

Same motion, same second, same vote. ***1368, 1368A (Appropriating funds in connection with the improvements at the John J. Foley Skilled Nursing Facility (CP 4057).*** Do I have a motion? Legislator Eddington, would you like to make that motion?

LEG. EDDINGTON:

Yes, motion to approve.

P.O. LINDSAY:

Legislator Browning?

LEG. BROWNING:

I guess so.

P.O. LINDSAY:

Second it, okay. We need a roll call.

**(THE ROLL WAS CALLED BY TIM LAUBE • CLERK OF THE
LEGISLATURE)**

LEG. EDDINGTON:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

LEG. VILORIA • FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

Same motion, same second, same vote. **1382 (Amending the 2006 Operating budget to accept and appropriate 100% Federal grant funds from the Health Research Inc to Suffolk County Department of Health Services for the Cities Readiness Initiative).** Do I have a motion? Motion by Legislator Montano, seconded by Legislator Nowick. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

IR 1383 (Accepting and appropriating 100% Federal grant funds passed through the New York State Division of Criminal Justice Services to the Department of Health Services, Division of Medical, Legal Investigations and Forensic Sciences for the Paul Coverdell National Forensic Sciences Improvement Act). Same motion, same second, same vote.

MR. LAUBE:

18 on the vote.

P.O. LINDSAY:

1384 (Amending the 2006 Operating Budget to accept and appropriate 100% State aid from the New York State Office of Mental Health to the Suffolk County Department of Health Services, Division

of Community Mental Hygiene Services for various Contract Agencies). Same motion, same second, same vote.

MR. LAUBE:

18.

P.O. LINDSAY:

1252 (Amending the 2006, 2007 and 2008 management salary schedules for employees who are excluded from Bargaining Units that are assigned a grade in the Official Suffolk County Classification and Salary Plan).

I will make a motion.

LEG. VILORIA • FISHER:

Second.

P.O. LINDSAY:

Seconded by Legislator Fisher.

LEG. MONTANO:

On the motion.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yes. I have some questions on this, but someone asks for an explanation. I'll yield so we get an explanation.

P.O. LINDSAY:

I'm going to ask Budget Review to do the explanation.

LEG. D'AMARO:

Legislator Lindsay, before we do that, if I can be recognized for one moment. Pursuant to my recusal notice to the Chair, I would just like to note my recusal for the record on this.

P.O. LINDSAY:

So noted. I just wrote it down, and he can't talk. Go right ahead, Legislator Montano. You asked for an explanation. Gail, please.

MS. VIZZINI:

Surely. Resolution 1173 of 2005, as you know, extended the same benefits that AME gets to the exempt employees. Basically all exempt employees will be getting a 3% increase in 2005, 2006, 2007 and 3.25% in 2008.

In addition to extending the percentage increases, the union employees get step increases. Those who are not eligible employees get step increases July 1st of each year. Resolution 1173 also extended step increases to exempt employees who have not received step increases in a number of years. When Budget Review did the analysis for both the AME contract and the exempt resolution, we determined that the exempt salary schedule has significant increases between the steps. The union salary schedule, there are 3% •• the different between the steps is 3%. But the exempt salary schedule, the different between the steps can vary anywhere from 4.2 to 5.1%. Part of that is because the exempts had not been getting steps, nobody really paid too much attention to the fact that there was these large percentage increases between the steps.

It was our recommendation in terms of equity that the exempt salary schedule should be more in line with the step increases that are in the AME salary schedule. We, therefore, proposed a new exempt salary schedule, which is the basis for this resolution. We took the bottom step and the top step and just progressed 3% until we hit the top. What this resolution does is authorizes this new salary schedule to replace the old one. And the Director of Labor Relations now has to fit people into this salary schedule. That was substance of Mr. Tempera's remarks early in the meeting.

LEG. MONTANO:

I have some questions, and maybe it's that I misunderstood, but when we

passed the exempt bill, I thought it was to bring the exempts in conformity with the AME contract, and you're saying that it was percentage wise. But in a conversation I had earlier with Mr. Tempera, correct me if I'm wrong, if we have an AME employee, let's take grade 16, step four, and we have exempt employee who's at 16 grade, four, that even though they're at the same grade and same step, the salary is different; is that accurate? And maybe we can •• can we call up Mr. Tempera, because we had a conversation •• is that all right with you, Mister ••

P.O. LINDSAY:

I'd like to hear Budget Review, because truthfully, Budget Review is much clearer than Mr. Tempera. Commissioner Tempera, he confused me before.

LEG. MONTANO:

Well, I thought I understood it at lunch, that's why I'm asking. My simple question is ••

MS. VIZZINI:

You're correct.

LEG. MONTANO:

So there's a disparity between the pay of the exempt and the non exempt even though they both have the same grade and the same step.

MS. VIZZINI:

The union salary scale is for the union employees. If somebody is worthy of a grade 16 on the AME schedule, they're doing a certain level of work.

LEG. MONTANO:

I'm not asking for the explanation. I'm simply asking whether or not we have two employees in the County both at a grade and a step and whether or not their pay is the same irrespective of what they do or why they do it.

MS. VIZZINI:

AME employee would probably make \$66 more biweekly.

LEG. MONTANO:

That's not across the steps, that's maybe with respect to the example I cited.

MS. VIZZINI:

Exactly.

LEG. MONTANO:

Because if we go up to step •• grade 24 and a step 8, it's not going to be \$66; am I correct?

MS. VIZZINI:

It's 116.

LEG. MONTANO:

Well, that's what I mean. I don't want to deal in numbers, I'm just dealing in the fact that there's a disparity between the non exempt and the exempt employee who both hold the same grade and the same step.

MS. VIZZINI:

There is. The two salary schedules are not mirror images.

LEG. MONTANO:

My understanding was that they were, but apparently I was wrong when we voted on the original. Now, so we've established that there's a disparity between the exempt employees and the non exempt, and the disparity is in favor of the AME employee.

MS. VIZZINI:

To a point. The higher up in the exempt salary schedule you get, the advantage is to the exempts.

LEG. MONTANO:

At what point does it go there? You know what? Don't even answer that. What is the reason •• because I've worked in the Federal Government, and no matter where you were in the Federal Government, if you were at a certain grade and a certain step, and we use grade and step in the Federal Government, you received the same salary whether you're working in Alaska or whether you're working in New York except maybe for a differential in the cost of living adjustment, which we're not dealing with here. So what I'm trying to figure out is why there is a difference between a grade 16, step four exempt and a grade 16, step four non exempt. What's the reason for that?

MS. VIZZINI:

The titles are assigned graded based on the level of the duties and responsibilities. And we have many different salary schedules in the County; the Board of Elections has their own separate and distinct, at one time the County Attorney had their own separate and distinct, the District Attorney has their own separate and distinct. Some have grades, some do not. Mr. Tempera does have a better handle on the history of how these salary schedules evolved.

LEG. MONTANO:

I would love to hear that. And I don't want to belabor the point, but •• Jeff, when you give your explanation, can I ask you to address one issue.

My understanding •• what I'm led to believe •• what I think I know is that the step and the grade, even though their the same, the salary is actually higher for an AME employee. This bill would further increase that disparity by taking •• by making it longer for an exempt employee to reach the top step.

So I just want to address those two issues and kind of quickly, because I know we want to move on.

MR. TEMPERA:

Again, I think the only way you can explain it simply, and I apologize for this, is to know the history. They started off with the same salary schedule years ago. Back in the late '80s, management received lower percentage increases than AME. Management received 2% increases, AME, I believe, received 4% increase, if I'm not mistaken. Thereafter, AME was transitioned into a new salary schedule, which rather than starting with step four, which is what you have with management; step four through step eleven including 10A, you have the current AME salary, and that's why you have the difference. There are in most instances same grade, same step. Management will make less money. As Budget Review is saying, as you get higher up, it does equalize out.

[SUBSTITUTION OF COURT STENOGRAPHER • LUCIA BRAATEN]

P.O. LINDSAY:

Okay. Does that answer questions?

LEG. MONTANO:

Yeah. Let me •• and just so I'm clear •• Elie you want to jump in?

LEG. MYSTAL:

Yeah, let me •• let me attempt to ••

P.O. LINDSAY:

Wait a minute, wait a minute. I got a list, guys, I got a list. You can't jump the list. If you're finished, Legislator Montano ••

LEG. MONTANO:

No, I'm not actually finished. I just had one or two questions. I don't want to belabor this. If you're at the same grade •• can you hear me? If you're at the same grade and step, so I understand the system, you start at a grade, you start at a step, and then you progress annually until you reach your ultimate step. And the way it works now is you will get your three percent per year and you will also get •• if you're eligible for a step increase, you'll get a step increase maybe six points after you get •• six months after you get your three percent, and ultimately you tap out at the grade and step, and that could be a process of maybe four, five years. However, this bill would basically do the same, except for the exempts. The period of time between which you tap out would be increased.

MR. TEMPERA:

That's correct. Current ••

LEG. MONTANO:

From like three years •• from four years to maybe seven years, do you know

the increase?

MR. TEMPERA:

Well, currently, there's a nine•step system for management and you're going to a thirteen•step system. But you're equalizing out ••

P.O. LINDSAY:

But you start at four, right?

MR. TEMPERA:

But you start at four, that's correct.

LEG. MONTANO:

What about the AME employees, do they start at four or they start at one?

MR. TEMPERA:

No. They start at one and we're through 11, I believe, right? Twelve, I'm sorry, to 12. So you have an additional step and you've equaled •• and, again, the reason and the problem is that you're going from a nine•step system with larger increases in between the steps. The only way to do it is to add more steps.

P.O. LINDSAY:

I've got •• I have a list.

MR. MONTANO:

There's a list. I'm going to yield. I may come back to you.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

Yes. I just want to for the record say that this is the first time I've ever had a lawyer say don't answer a question. We experienced that here today.

The other thing is that I'm not overly clear on this, because it seems we're all talking about making equity here and I think it's apples and oranges. In about 11 minutes the Dennison Building is going to be clearing out and the exempts are going to still be here. So we're comparing groups that I don't see fit. And that's what this whole discussion seems to be, an effort to bring equity and parity to two groups that don't function the same, don't have the same responsibilities and requirements. So I don't get it, personally, myself.

P.O. LINDSAY:

Okay. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. A couple of points of clarification and then, I guess, the question for the Commissioner. I'd be very interested at what grade this shift occurs, because, from personal experience, it's not at 29. And when you go over that, you find far few folks comparatively in the County at those higher grades. But we've had this discussion, you and I personally, many times, and you explained to me the history and where the disparity went. So at a top Step 29 management does not earn what a top Step 29 in the bargaining agreement or in the bargaining unit earns; correct?

MR. TEMPERA:

That's correct.

LEG. KENNEDY:

Fine. My next question goes to the ability for us to go ahead and after the fact amend this salary schedule for the exempts where, clearly, we would not be able to have this latitude on the other side with the collective bargaining agreement. There's a certain reliance aspect, I think, that municipal employees, public employees, even though they're not in the bargaining unit, have by virtue of the fact that they are a public employee and covered under the Taylor Law. I question the ability to retroactively now come in and alter that salary schedule that we previously adopted.

P.O. LINDSAY:

It isn't retroactive. It doesn't go into effect until July.

LEG. KENNEDY:

All right. But even still, we had the previous resolution that had adopted the salary schedule.

MS. VIZZINI:

There was no salary schedule attached to the previous resolution. It increased the existing salary schedule. To be quite frank, Budget Review tried to bring this to the attention of the sponsor at the time, but there were a lot of other competing things going on, so, unfortunately, the sponsor at that time did not embrace this one as well.

LEG. KENNEDY:

So we •• the previous resolution, we look at it, and even though we talked about parity with AME, we're viewing that, that there was no set salary schedule? I mean, there's a salary schedule that's adopted with AME.

MS. VIZZINI:

Yeah. No. It piggy•backs on the existing salary schedule. And just in term of, you had pointed out, equity and parity, what we're talking about is equity within the exempt salary schedule. Right now, I might get a 4.2% and he's going to get a 5.1. How come? Just because that's how it is now and no one

paid attention to the fact because we did not get step increases. In AME, they get step increases, so when you get them, you get 3%.

P.O. LINDSAY:

Okay. Now, to make it clear, Legislator Mystal is going to clarify this for us. Go ahead.

LEG. MYSTAL:

I want to make it clearer for you in a very simple way, is that the exempt employees are more susceptible to pressure from the administration. So, therefore, whenever there is something to be cut to make up on a budget, we go to the exempts. The part that we got that Mr. Tempera said in the late '80's was because County Executive Pat Halpin got into budget difficulties and decided to do away with certain things for the exempts, because he could not go to the union, because that's a bargaining unit. Since the union would not voluntarily give up what he wanted, he went and got what he wanted and what he needed from the exempts. Okay?

Now, for example, we have the same thing happening today in the County Executive Steve Levy whereby we voted for a bill to take away the sick leave from exempts, but we cannot do it with the bargaining unit. So five years from now, ten years from now, we will have the Budget Review Office coming to us and saying, "We have to equalize this disparity that we have between the exempts and the nonunion •• the exempts and the union, because I don't know how •• they will tell you then, "Well, I don't know how it happened, but this is how it happened now." We have this thing where there's people on sick leave are getting four days, and then the one in the union are getting two, and now we have to •• see, that is •• if you understand, if you understand what I'm saying, is purely a political bargain that's played, and Presiding

Officer Lindsay is trying to correct something, which I don't know what he's trying to correct, you know, I don't understand, you know, but I'm not going after the exempt employees just because the Presiding Officer want to. That's not right.

P.O. LINDSAY:

Thank you very much for explaining that further. Legislator Losquadro.

LEG. LOSQUADRO:

Well, how can I follow that up? Two questions, just point of clarification. We're going obviously from a nine to a thirteen•step system.

MR. TEMPERA:

That's correct.

LEG. LOSQUADRO:

But if I understood you correctly, the exempt employees will start at Step 4?

P.O. LINDSAY:

It should be two more steps, right? Two more steps.

LEG. LOSQUADRO:

I'm glad I asked this question.

MR. TEMPERA:

Going from nine to thirteen.

MS. VIZZINI:

We're going •• well, you know, the way it is now, it actually starts at Step 4 and goes to ••

MR. TEMPERA:

Goes to 11 with 10A.

MS. VIZZINI:

Goes to •• it goes up to a total of 12. It goes to •• it starts •• right now, the exempt salary schedule starts at Step 4 and goes to Step 11, but it has a 10 and a 10A.

LEG. LOSQUADRO:

Don't forget that 10A.

MS. VIZZINI:

So what we did was we started at one, so, you know, we have one through thirteen.

LEG. LOSQUADRO:

All right. And the second question is, just, again, by way of clarification, what is the criteria for deciding which step individuals are placed in, is it salary or is it years of service, because we did have a situation where the steps did not correspond exactly, where you had steps that were higher percentages than others. So is it more equitable to place people based on years of service or based on salary? And how is that determination made, what would be more equitable?

MS. VIZZINI:

The criteria that we placed in the resolution was expressed in the intent, which is that nobody is go get more than they would have gotten if we don't do this. All right? The salary schedule is predicated on a 3% increase. Of the 356 people that are eligible to get the steps, 75 of them are dead center on the 3%. A hundred and eighty•one are going to end up with more than 3%. However, 98 are going to get less than 3%. They're going to get somewhere between 1.5% and 2.2%. Why? Because, if I move them the next step, they'll get more than they would have gotten. So now, the fact that they're getting less than they would have gotten is because, as you say, they have to be placed someplace on this new schedule. After that, they'll get their annual percentage increase and they'll get their 3%, until they're no longer eligible for steps.

LEG. LOSQUADRO:

Okay, thank you.

P.O. LINDSAY:

Okay. Is there anyone else that would like to speak on this subject? I don't see any, so we have a motion and we have a second, Mr. Clerk?

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

Okay. Can we do all in favor? Opposed? What?

LEG. MYSTAL:

Roll call.

LEG. ROMAINE:

Roll call.

P.O. LINDSAY:

They want a roll call. Okay, roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. ROMAINE:

Pass.

LEG. SCHNEIDERMAN:

(Not Present).

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Abstention.

LEG. LOSQUADRO:

Pass.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Pass.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Pass.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

No.

LEG. STERN:

Yes.

LEG. D'AMARO:

Recused. I recused on the record.

LEG. COOPER:

Pass.

LEG. MYSTAL:

Are you all scared or something? What is this?

LEG. ROMAINE:

Abstain.

LEG. SCHNEIDERMAN:

No.

LEG. LOSQUADRO:

Yes.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. COOPER:

Yes.

LEG. ROMAINE:

Clerk, change my vote to a no from an abstain.

LEG. COOPER:

Yes.

MR. LAUBE:

Back to Cooper.

LEG. COOPER:

I'm a yes.

MR. LAUBE:

Cooper is yes. And somebody else had to change? No? Okay.

LEG. MYSTAL:

It's the Presiding Officer's bill, you all can't vote for him?

P.O. LINDSAY:

That's all right.

MR. LAUBE:

That's 11 for yes.

LEG. MYSTAL:

Forget it.

P.O. LINDSAY:

Did you announce the ••

MR. LAUBE:

Yes, 11.

P.O. LINDSAY:

11.

LEG. MYSTAL:

He said 11.

P.O. LINDSAY:

Okay. ***1337 • Authorizing the sale of County•owned real property pursuant to Section 72•h of the General Municipal Law to the Town of Babylon for affordable housing purposes.*** Do I have a motion from Babylon over there?

LEG. HORSLEY:

If he doesn't, I will.

LEG. MYSTAL:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Mystal, second by Legislator Horsley. All in favor? Opposed? Abstentions?

MR. LAUBE:

17. (Not Present: Leg. Montano)

P.O. LINDSAY:

I.R. 1250 • Naming • •

MR. LAUBE:

17.

P.O. LINDSAY:

I'm sorry. ***Naming a 17•Acre Nature Preserve in the town of East Hampton as the Barbara Barnes Hale Preserve.*** Legislator Schneiderman, what's your pleasure?

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion. Do I have a second?

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator Browning. All in favor? Opposed? Abstentions?

(Vote: 17, 1 not present; Not Present: Leg. Montano)

P.O. LINDSAY:

1317 • Authorizing license agreement with Kaelin's Concession for camp store/snack bar concession at Cedar Point County Park. Do I have a motion?

LEG. ALDEN:

Motion to approve.

P.O. LINDSAY:

Legislator Alden, second by Legislator Vilorio•Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

17. (Not Present: Leg. Montano)

P.O. LINDSAY:

Okay. ***I.R. 1318 • Authorizing the lease of one "Gem Car" from the Town of Babylon for use by the Suffolk County Department of Parks, Recreation and Conservation.*** Motion by ••

LEG. LOSQUADRO:

Explanation.

P.O. LINDSAY:

•• Legislator Horsley. Let me get a second and then we'll get you an explanation.

LEG. ALDEN:

Second.

P.O. LINDSAY:

Second by Legislator Alden. Explanation. You want to take it, Counsel? A

Gem Car is one of those like golf carts.

MR. NOLAN:

Yeah. This says the Parks is taking the Gem Car for a dollar. It's a donation.

LEG. CARACAPPA:

Thank you.

LEG. LOSQUADRO:

Thank you.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

17. (Not Present: Leg. Montano)

P.O. LINDSAY:

Okay. ***I.R. 1319 • Authorizing use of Blydenburgh County Park by the***

Care Center for its Annual Walk for Life Fundraiser. Blydenburgh.
Legislator Kennedy, you want to make the motion there?

LEG. KENNEDY:

Yes, I'll make the motion.

P.O. LINDSAY:

Legislator Kennedy makes the motion. Do I have a second? Legislator Nowick, do you want to make the second?

LEG. NOWICK:

Sure.

P.O. LINDSAY:

Second by Legislator Nowick. All in favor? Opposed? Abstentions? ***I.R. 1322 • Authorizing the use of.***

MR. LAUBE:

17. (Not Present: Leg. Montano)

P.O. LINDSAY:

Blydenburgh County Park by Habitat for Humanity of Suffolk for their Annual Housewalk Fundraiser.

P.O. LINDSAY:

Legislator Vloria•Fisher makes the motion. Do I have a second?

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. ***I.R. 1327 • Authorizing the transfer of certain properties to Suffolk County Department of Parks, Recreation and Conservation.*** I'll make a motion. Do I have a second?

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second, Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

I.R. 1334A • A bonding resolution appropriating funds in connection with the improvements to the Old Field Horse Farm (CP7176).

LEG. VILORIA•FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría•Fisher, second •• do I have a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. On the ••

LEG. BARRAGA:

On the resolution.

P.O. LINDSAY:

On the resolution, Legislator Barraga.

LEG. BARRAGA.

It is my understanding that we're spending •• this bond issue calls for the expenditure of \$100,000 to rehabilitate a large stable; is that correct?

D.P.O. VILORIA • FISHER:

Yes, it's a very large stable

MS. VIZZINI:

That's correct.

LEG. BARRAGA:

That's correct.

LEG. VILORIA • FISHER:

It's in our Capital Budget.

LEG. BARRAGA:

I'm just questioning the use of bond monies for such a venture. It seems to me that there are many other areas we should be spending dollars on, not necessarily spending it on rehabilitating a large stable for horses.

LEG. CARACAPPA:

Mr. Chairman.

P.O. LINDSAY:

Legislator Caracappa.

LEG. CARACAPPA:

Legislator Vilorio•Fisher, correct me if I'm wrong, don't we •• aren't we in a lease agreement with a group there that does outside events and ••

LEG. VILORIA•FISHER:

Yes.

LEG. CARACAPPA:

They're a vendor and actually is a money•maker for the County.

LEG. VILORIA•FISHER:

We own the park. Of course the Old Field Farm is a County Park. We do have a lease agreement. There is a vendor and we do get some monies, but I couldn't give you an amount on that from the people who run the Old Field Farm.

P.O. LINDSAY:

Anybody else like to speak on this? No? Okay, roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. VILORIA • FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

MR. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. LINDSAY:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

17.

P.O. LINDSAY:

Okay. Same motion, same second, same vote. ***I.R. 1404 • Authorizing extension of soccer field agreement with Mastic Sports Club.***

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning, second by Legislator Losquadro. On the motion? I see no one. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

I.R. 1159 • Adopting a Local Law to protect Suffolk residents by permitting the seizure and forfeiture of vehicles engaged in unlawful speed contests or races. And we have the County Attorney's Office that

would like to comment on this.

MS. CAPUTI:

Thank you, Mr. Presiding Officer.

P.O. LINDSAY:

Hold off for one minute. I should get a motion and a second.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Cooper, second by Legislator D'Amaro. I'm sorry.

MS. CAPUTI:

My comments don't go to the merits of the bill, but I did comment on this bill at committee on behalf of the County Attorney, that our office would need at least one additional attorney and clerical person to handle all the seizures that have been occurring based on all these recent laws that have been passed. In the past year or so, there's been several seizure bills.

A question was raised at committee about vacant positions in my office and BRO reported that there were thirteen. I spoke to the County Attorney. That number is correct, but seven of those positions are clerical. And of the six vacant attorney positions, she is actively interviewing at the present time. And even if we do fill all those positions, we still would need an additional attorney and a clerical. So I just wanted to clarify that, so the Legislature understands our position. Thank you very much.

P.O. LINDSAY:

Thank you very much.

MS. CAPUTI:

If there's any questions.

P.O. LINDSAY:

On the motion. Who wanted to talk? Legislator Montano.

LEG. MONTANO:

A quick question. Would it be anticipated that the profits, if you might say, from the seizure would pay for your one staff person and secretary?

MS. CAPUTI:

Possibly.

LEG. MONTANO:

All right.

P.O. LINDSAY:

Legislator Alden.

MS. CAPUTI:

It's really hard to say how many •• how much profit is going to come in, how many vehicles are going to be seized, and whatnot.

LEG. ALDEN:

The generation of the extra work is because of the hearing, is that why?

MS. CAPUTI:

Well, it goes toward the paperwork that you have to •• you have to appear before the hearing officer. There are several steps in the process and ••

LEG. ALDEN:

Well, I'm just wondering why you said, you know, an attorney rather than clerical.

MS. CAPUTI:

One attorney and one clerical.

LEG. ALDEN:

And one clerical.

MS. CAPUTI:

Yes.

LEG. ALDEN:

Okay.

MS. CAPUTI:

One of each.

LEG. ALDEN:

Also, just check and see if I got my resume over to your office.

MS. CAPUTI:

Okay, I'll do that. Thank you.

P.O. LINDSAY:

Anybody else want to speak on this issue? The only question I have is if we seize these vehicles, can we use them as Legislative cars instead of the street racers?

LEG. MYSTAL:

I want one.

LEG. HORSLEY:

Along with the Gem Car.

LEG. ALDEN:

Absolutely.

MR. MONTANO:

Don't give one to Elie, though, it would be dangerous.

P.O. LINDSAY:

It's not exactly a hybrid.

LEG. ALDEN:

I'm using a seized Rolls Royce.

P.O. LINDSAY:

Okay. We have a motion and a second. All in favor? Opposed?
Abstentions?

LEG. D'AMARO:

I'd like to be added as a cosponsor, also.

P.O. LINDSAY:

Cosponsors ••

LEG. MYSTAL:

Cosponsor

P.O. LINDSAY:

Cosponsors are Stern, D'Amaro, Mystal. Anyone else? No?

LEG. ALDEN:

I just have one other quick question.

MR. LAUBE:

18.

P.O. LINDSAY:

We took the vote, but go ahead.

LEG. ALDEN:

Yeah. Just to make sure, you modeled this under my DWI seizure when I changed it for the •• you know, the hearings and things like that, as far as constitutional muster?

LEG. COOPER:

Say what? Why don't you take that as a yes. No, I honestly •• what are you talking about, Cameron?

LEG. ALDEN:

Some of the hearings that we're holding were deemed unconstitutional and we had to change the law. So anything we did after that, like for the •• when we seized construction ••

LEG. COOPER:

Well, I would defer to Legislative Counsel on that.

LEG. ALDEN:

All right. No, I just ••

MR. NOLAN:

It was.

LEG. ALDEN:

Okay.

LEG. LOSQUADRO:

Short answer.

MR. ZWIRN:

I just have one question.

P.O. LINDSAY:

Okay. Mr. Zwirn would like to weigh in on this.

MR. ZWIRN:

Yeah. We just had a question, because there was an amended copy of this resolution that came through, that the money went to the Police Department, and now it's •• originally, it was going to DWI, then it went to the Police Department that's doing the work, now it's going back to DWI. I know the Police Department was concerned.

LEG. COOPER:

But I already reached out to the Police Commissioner and explained that right now we're going to leave it as DWI and we're going to revisit the issue, and I'm going to work with him. And if we determine that it should indeed go to the Police Department, which may make sense, because they'll have the responsibility for enforcing it, I'll do an amending resolution down the pike. But I reached out to the Police Commissioner last week about this.

MR. ZWIRN:

Thank you very much.

P.O. LINDSAY:

Okay. ***I.R. 1240 (Appropriating funds in connection with the Rocky Point Tower Site (CP3235)).***

LEG. LOSQUADRO:

Mr. Chairman, I regret to say that I'm going to be making a motion to table, and if I get a second, I'll explain.

LEG. ALDEN:

Second.

LEG. LOSQUADRO:

Unfortunately, we were not able to get a bond. There may be •• may be some changes that the Water Authority wants to see made to the site that will necessitate further review, or at least a ruling by CEQ to say whether or not the language will have to be changed. At this point, I'm going to continue to be on the Water Authority and on the County Attorney's Office to make sure that this resolution •• any changes that need to be made to this resolution are done as quickly as possible, and that we can absolutely move on this next month. I'm sure everyone knows the dire situation that is

occurring up on the North Shore. And I will be supportive of making changes to the County Executive's competing resolution to remove the planning money for the Rocky Point tower site and moving ahead with that resolution as well, so work can commence on other areas of the County where these problems exist as well. Seeing as though the capital project was in existence in last year's plan, it's in the 2006 plan of work, I would like to move forward with this project as a separate entity and treat those other sites as separate as well. We can look at those and look, now that we're coming into next year's budget process, to plan for improvements in those areas as well. And I'd like to work with Legislators in those districts and share with them some of the knowledge I've gained working through this project in my district. So, for that reason, I will make a motion to table and I'm hopeful we can move this next month.

P.O. LINDSAY:

And I appreciate the tabling motion. And the only thing that I would like to say, and to all the parties involved here, is we've had a horrendous problem in this area where we do not have communications in different spots, there's so many dead spots. We absolutely need these cell towers. And I would hope that we don't have competing resolutions, that we can resolve on one resolution and move forward with this very worthwhile project. Having said that, we have a motion and second to table. All in favor? Opposed? Abstentions?

MR. LAUBE:

17. (Not Present: Leg. Horsley)

P.O. LINDSAY:

Okay. ***1287 • Appointing a member of the Suffolk County Traffic Safety Board (Barbara LoMoriello).*** I'll make the motion. Do I have a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper.

LEG. COOPER:

I better second this.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. COOPER:

Cosponsor, please.

P.O. LINDSAY:

1308 ••

LEG. COOPER:

Hey, I still have to live with her.

MR. LAUBE:

Just a second, Presiding Officer. On 1287.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Who was the ••

P.O. LINDSAY:

I was the •• made the motion and Legislator Cooper made the •• was the second.

MR. LAUBE:

On 1287?

P.O. LINDSAY:

Yes.

MR. LAUBE:

Okay. Thank you.

P.O. LINDSAY:

1308 • Accepting and appropriating a grant in the amount of \$289,000 to New York State Division of Criminal Justice Services for the Suffolk County Police Department First Precinct Gang Task Force with 75% support. I'll make a motion. Do I have a second?

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Second by Legislator Horsley. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1328A • Bonding resolution amending the 2006 Capital Budget and Program and appropriating funds in connection with the upgrade of air control units, SCALPS computer room.

LEG. ALDEN:

Hair control units?

P.O. LINDSAY:

Air, air.

LEG. ALDEN:

I thought you said hair.

P.O. LINDSAY:

I have a motion by Legislator Vilorio•Fisher. Do I have a second? By Legislator Browning. Roll call.

(Roll Called by Mr. Laube, Clerk).

D.P.O. VILORIA • FISHER:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

MR. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

Same motion, same second, same vote on 1328. ***1367A • A bonding resolution appropriating funds in connection with the replacement of the marine travel hoist.***

LEG. BROWNING:

Motion.

P.O. LINDSAY:

I'll make the motion. Do I have a second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Legislator Losquadro. Okay. I'm sorry. Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. EDDINGTON:

Yes.

MR. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA • FISHER:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. On I.R. 1367, same motion, same second, same vote.

I.R. 1399 • Accepting and appropriating a grant in the amount of \$25,000 from the State of New York Governor's Traffic Safety Committee for the Suffolk County Police Department to continue a Pedestrian Safety Enforcement Program with 83.1% support. Do I have a motion? Legislator Browning, second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Moving right along. ***1005 • Authorization of alteration of rates for the Sayville Ferry Service, Incorporated, for cross bay service between Sayville, New York, and the Fire Island Communities of Fire Island Pines, Cherry Grove and Water Island.*** I'll make the motion.

MR. MONTANO:

Second.

P.O. LINDSAY:

Second by Legislator Montano.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Just quickly. Budget Review, have they been cooperating with you and supplied all the information and the date on their rates and their service?

MS. VIZZINI:

Absolutely, all the required information was supplied. Our report was issue February 27th.

LEG. ALDEN:

And you're in agreement with the alteration?

MS. VIZZINI:

Pretty much. The petitioner hasn't had a rate increase since 2004. They're asking for about a 12% increase. The only area where we differ from them is that in their senior citizen one-way fares and their senior citizen roundtrip fares, we thought there should be a modest downward adjustment, but it is nominal.

P.O. LINDSAY:

Okay. Anybody else? No? Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

17. (Not Present: Leg. Cooper)

P.O. LINDSAY:

1217 • To evaluate the feasibility of establishing co-generation for County facilities in Yaphank and the North County Complex. Legislator Alden.

LEG. ALDEN:

Before I make a motion, though, I just want to ask Counsel, is this the modified version, because I did make a correction to it.

MR. NOLAN:

I don't have it in my book.

LEG. ALDEN:

Actually, it was language that came over from the County Executive's Office.

P.O. LINDSAY:

Mr. Clerk, do we know, was there an amended version of this?

MR. LAUBE:

Of 1217?

P.O. LINDSAY:

1217.

LEG. ALDEN:

I'll make the motion to approve it. If it gets approved and it needs the •• you know, the change of language, then I'll just modify it at the next •• you have my assurance that I'll do that. I'm not trying to sneak something in here.

P.O. LINDSAY:

No. No, I think it's a good idea.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by ••

D.P.O. VILORIA • FISHER:

Kate was the second before.

MR. LAUBE:

Kate made a motion?

D.P.O. VILORIA • FISHER:

Kate made a motion.

LEG. BROWNING:

Well, it's actually ••

LEG. ALDEN:

I'll second her motion.

LEG. BROWNING:

I'll take the second on it. I'll take the second.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. VILORIA•FISHER:

Cosponsor.

MR. LAUBE:

Who was the first and the second? Clarify.

P.O. LINDSAY:

Legislator Alden made the motion, Legislator Browning made the second.

MR. LAUBE:

Excellent.

P.O. LINDSAY:

Okay.

MR. LAUBE:

Cosponsor, Vilorina•Fisher.

P.O. LINDSAY:

And I want to cosponsor as well.

LEG. COOPER:

And me as well, please.

LEG. HORSLEY:

Yep, me too.

MR. LAUBE:

Just a second. Jon, Lou, Steve ••

D.P.O. VILORIA • FISHER:

Good idea, Cameron.

MR. LAUBE:

•• Elie, Wayne, Rick, Dan, Kate. Who else? Did I miss anybody?

P.O. LINDSAY:

No, that's it. You gave the count, right?

P.O. LINDSAY:

You gave the count, right?

MR. LAUBE:

18.

P.O. LINDSAY:

I.R. 1221 • A Local Law to promote Energy Efficient Environmentally Friendly Dredge Projects.

D.P.O. VILORIA • FISHER:

Motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Motion by Legislator Viloría•Fisher, second by Legislator Losquadro. On the issue, nobody on the issue? All in favor? Opposed? Abstentions?

LEG. SCHNEIDERMAN:

Tim, cosponsor.

LEG. COOPER:

Cosponsor again, please.

LEG. D'AMARO:

Cosponsor.

LEG. STERN:

Cosponsor.

LEG. LOSQUADRO:

Mr. Clerk, I just want to confirm I'm a cosponsor on that resolution. I think I am, but I just want to double check.

LEG. SCHNEIDERMAN:

On this resolution?

D.P.O. VILORIA • FISHER:

Dan Losquadro should be a cosponsor on that.

LEG. LOSQUADRO:

On 1221. I just want to make sure.

P.O. LINDSAY:

Did you announce the count?

MR. LAUBE:

18. I'm just getting the cosponsors first.

P.O. LINDSAY:

1256 • Authorizing transfer of three (3) surplus County computers to the Islip Academic Center. I'll make the motion.

MR. MONTANO:

Second.

P.O. LINDSAY:

Second by Legislator who?

MR. MONTANO:

Montano.

P.O. LINDSAY:

Montano. All in favor? Opposed? Abstentions?

MR. MONTANO:

Legislator who, that's me.

MR. LAUBE:

18.

P.O. LINDSAY:

I.R. 1277 • Directing the Suffolk County Sewer Agency to prepare maps, plans, reports and make recommendations in accordance with Article 5•A to form a sewer district at Willow Ponds on the Sound in the Town of Riverhead.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. CARACAPPA:

Second.

P.O. LINDSAY:

Second by Legislator Caracappa. Any questions? Question.

D.P.O. VILORIA • FISHER:

Is this the usual route? And may I ask Joe Caracappa? He was the Chair of Public Works for a long time.

LEG. CARACAPPA:

Not a long time.

D.P.O. VILORIA • FISHER:

No? Well, when I was here.

P.O. LINDSAY:

Wait until you hear the question first.

D.P.O. VILORIA • FISHER:

The question is ••

P.O. LINDSAY:

You might know the answer.

D.P.O. VILORIA • FISHER:

•• is this the usual route of setting up new sewer districts, Joe? I don't remember it being quite this way. I thought it usually came from DPW ••

LEG. CARACAPPA:

It usually does.

D.P.O. VILORIA • FISHER:

•• or Administration.

LEG. CARACAPPA:

It usually does. You'd have to ask the sponsor. Is this a problem, a problem

district where you're looking to do some ••

LEG. ROMAINE:

No, this isn't a problem district. This is a district condominium whose people came to myself and I believe Legislator Lindsay on this one and approached us and asked us to submit this. Since 1980, 15 sewer districts, I believe, have been formed by this method, where •• and this isn't forming the sewer district by far, it's simply preparing reports and plans and recommendations on whether it would qualify and justify the creation of a district.

LEG. CARACAPPA:

This will be followed, obviously ••

D.P.O. VILORIA•FISHER:

So then your answer is that it is a problem district, that the residents came to you because there was a problem?

LEG. ROMAINE:

No. The residents came to me because they wanted to examine the possibility of a County takeover of their current sewer treatment plant.

LEG. VILORIA•FISHER:

Okay. Because my •• I've been accustomed to seeing it coming from the Department of Public Works and coming in that direction, and I would assume that because creating sewer districts and sewers are so expensive and you do need a County•wide plan, my assumption would be that it would come from the top down.

P.O. LINDSAY:

If I could just weigh in on this. I had a similar resolution last year. A community came to me, their sewer plant was collapsing. They had to invest several million dollars in it. They wanted to get a price from the County to see if it was more efficient to make it a County sewer district and they would pay the sewer taxes in •• forever and ever and ever, and after ••

D.P.O. VILORIA•FISHER:

But Legislator Romaine is saying there's no problem.

P.O. LINDSAY:

And after the evaluation, the community found that it was cheaper to do it to maintain it in private hands, but the evaluation was done and a number was given to them by the Sewer Agency.

D.P.O. VILORIA•FISHER:

But Ed is saying there's no problem.

LEG. CARACAPPA:

See, what usually happens is it can come from Public Works or it can come from a district Legislator where you have what is a private entity, be it a condo unit, that has excess capacity. They want to basically take it off their hands for maintenance purposes and give it to the County, and what they do is they create a new County sewer district. So what the County does, is they have the ability to hook up other projects now into these other •• into these sewer districts, which, in turn, makes the sewer district taxes in those areas lower for the people who are now going to be sharing the facility. So it could be done either way, through Public Works or through a district Legislator at this early stage. This is the start of a long process. They have to go •• like it says in the resolution, you have to get maps, you have to start all the process, then you have to authorize a public hearing, then the public hearing has to be had. Then you have to go back to Sewer Agency, then it comes back to Public Works Committee, then the full Legislature.

D.P.O. VILORIA • FISHER:

I told you you were there a long time.

P.O. LINDSAY:

Legislator Montano.

MR. MONTANO:

Yeah, a quick question. Is there any cost associated with this, or is this totally in•house?

LEG. ROMAINE:

This is totally with in-house. And all it is, as Presiding Officer Lindsay pointed out, is they look at it and they come up with a list of recommendations and the cost of what would occur if the County took it over. My predecessor did this for Silver Ponds Condominium in Manorville. I know Waverly Park Condominium went this route, so there are several that have gone this route in the past.

P.O. LINDSAY:

Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1329 • Appropriating funds in connection with the purchase of sewer facility maintenance equipment. I have a motion? I'll make the motion, seconded by Legislator Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1331 • Authorizing the public hearings pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York in connection with the acquisition of properties to be acquired for the replacement of the bridge carrying C.R. 67, Motor Parkway over the Long Island Expressway, Kennedy Drive to Hauffman Avenue, Town of Islip, Suffolk County, New York. Do I have a motion?

LEG. KENNEDY:

Mr. Chairman, I'll make a motion.

P.O. LINDSAY:

Motion by Legislator Kennedy, seconded by Legislator Montano.

LEG. MYSTAL:

Small explanation.

P.O. LINDSAY:

Explanation?

LEG. MYSTAL:

Small, you know •• never mind.

LEG. KENNEDY:

It's furtherance of a construction project associated with Motor Parkway, and this piece, I believe, includes work with DPW with the state. It's reconstruction of the bridges.

P.O. LINDSAY:

We have to condemn some property. This is a public hearing to give people a chance to voice ••

LEG. MYSTAL:

Whenever I see eminent domain it raises a flag with me.

LEG. KENNEDY:

It right•of•way stuff.

LEG. MYSTAL:

I won't take anybody's without due process.

P.O. LINDSAY:

It's for road construction, which we do all the time.

LEG. MYSTAL:

I don't care if this is for the White House. I'd like to know that when you are take somebody's property, are we following due process the in compensating the person?

P.O. LINDSAY:

Well, we're giving them the chance •• we're authorizing the public hearing.

MR. MONTANO:

Elie, this is the difference between taking it pursuant to eminent domain for public purposes versus the other stuff, which is going to give it to private developers. This one is okay. This one is okay.

LEG. ALDEN:

You are the government.

P.O. LINDSAY:

IR ••

LEG. MYSTAL:

You're wrong.

MR. LAUBE:

We need to do a vote.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. ***IR 1332, approving maps and authorizing the acquisition of lands together with findings and determinations pursuant to Section 204, Eminent Domain Procedure Law in connection with the acquisition of the properties for the reconstruction of CR 16,***

Smithtown Boulevard at CR 93 Rosevale Avenue and Gibbs Pond Road in the Town of Smithtown, Suffolk County, New York. Do I have a motion?

LEG. KENNEDY:

Yes, Mr. Chair, I'll make the motion.

LEG. NOWICK:

Second.

P.O. LINDSAY:

Legislator Kennedy, seconded Legislator Nowick.

D.P.O. VILORIA • FISHER:

They're not building a wall, but they're putting everything else up.

LEG. KENNEDY:

As luck would have it coincidentally, I guess there's a lot of roadwork going on my district. This project actually has been something that's been on the works for quite sometime, and it would actually straighten a dog leg that is by Rosevale, Portion Road and Gibbs Pond. The land to be being acquired actually at this point has an abandoned commercial building, dilapidated

commercial building on it. And very much so, I mean, the eminent domain process is going to go ahead and provide just compensation. Nobody's getting thrown out of houses, you know, or anything to that affect.

P.O. LINDSAY:

Okay. Anybody else on this?

LEG. ALDEN:

Otherwise it might be used for affordable housing.

LEG. KENNEDY:

Not in that area, but, yeah, we're working on affordable housing. You should see something very shortly.

P.O. LINDSAY:

Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

IR 1336, transferring assessment stabilization reserve funds to the capital fund amending the 2006 Operating Budget and appropriating the funds for the purchase of Division of Sanitation laboratory equipment.

MR. LAUBE:

You skipped one.

P.O. LINDSAY:

I'm sorry. ***1333, approving maps and authorizing the acquisition of lands together with findings and determinations pursuant to Section 204, Eminent Domain Procedure Law in connection with the acquisition of the properties for the reconstruction of County Road 67, Motor Parkway, Ton of Islip.***

MR. MONTANO:

Motion.

LEG. KENNEDY:

I'll second it.

P.O. LINDSAY:

Motion by Legislator Montano, seconded by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

I don't understand why you're so cynical. I'm from the government, I'm here to help you. ***IR 1336, transferring assessment stabilization reserve funds to the capital fund amending the 2006 Operating Budget and appropriating funds for the purchase of Division of Sanitation laboratory equipment.***

LEG. VILORIA•FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría•Fisher, seconded by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

IR 1355, directing the administrative head of Suffolk County Sewer District No. 3 to study and determine the necessity of increasing fees for scavenger waste discharge and treatment.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Legislator Schneiderman makes the motion. Do I have a second? I'll make the second for the purpose of discussion. On the resolution, Legislator Alden.

LEG. ALDEN:

I would just ask the sponsor why he feels the study has to be done?

LEG. SCHNEIDERMAN:

That's a typical procedure in terms of raising rates. We operate at Bergen Point a scavenger waste facility, which is a place where carters who carry septic effluent that they've difficult that they've pumped out of overflowing systems come and they drop that effluent off. We charge four and a half cents per gallon for that material. The other two scavenger waste facilities in Suffolk County charge seven and seven and a half cents. We're substantially below market and we have a tremendous amount of work that's going to have to be done at this facility. So the idea to look at what the rates are to be able to put some money aside for the repairs and expansions that need to take place so that it won't burden the taxpayers of the sewer district. You know, this has the support of the Commissioner. Originally I just wanted to simply raise the rates to something I thought was a market share, but I was told that it would be better to allow the public hearing process and the let the Commissioner set the rate. And he may actually set a rate a little bit higher than what I had in mind which is significant.

P.O. LINDSAY:

Any other questions? No? Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1356, authorizing a public hearing for renewal of ferry licenses and fares Tony's Freight Service, Inc. I'll make the motion. Second, do I have a second? Seconded by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Tony's Sanitation.

P.O. LINDSAY:

IR 1359, transferring escrow account revenues to the capital fund, amending the 2006 Capital Budget and appropriating funds for engineering services on the ocean outfall in Suffolk County Sewer District No 3. Do I have a motion?

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley.

LEG. ALDEN:

Second.

P.O. LINDSAY:

Seconded by Legislator Alden. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. ***1360, transferring assessment stabilization reserve fund to the capital fund amending the 2006 Capital Budget and Program and appropriating funds for the improvement to Suffolk County Sewer District No. 5 Strathmore in Huntington.***

Do I have a motion from the Huntington •• Legislator D'Amaro makes a motion, seconded by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1361, authorizing the filing of an application with the Federal Transit Administration, and Operating Administration of the United States Department of Transportation, Financial Assistance for mass transportation projects for Suffolk County authorized by USC Chapter, Title 23, United States Code and other federal statutes administered by the Federal Transit Administration.

LEG. VILORIA•FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría•Fisher, seconded by Legislator Eddington. All favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

IR 1362, amending prior capital authorized appropriations for storm remediation improvements for CR 80, Montauk Highway, at Ocean View Road. Do I have a motion? I'll make the motion, seconded by Legislator Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

IR 1363, authorizing the filing of an application with the Federal Transit Administration and Operating Administration of the United States Department of Transportation for a federal transportation capital assistance for the purchases of transit buses and related equipment authorized.

I have a motion by Legislator Caracappa, seconded by Legislator Losquadro.
All those in favor? Opposed? Abstention?

MR. LAUBE:

18.

P.O. LINDSAY:

IR 1364, to approve the purchase of two replacement vehicles for the Suffolk County Department of Health Services. Legislator Mystal, would you like to make that motion?

LEG. MYSTAL:

Motion.

P.O. LINDSAY:

Motion by Legislator Mystal, second?

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Seconded by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

IR 1366, transferring assessment stabilization reserve funds to the capital fund amending the 2006 Operating Budget and appropriating funds for mobile dewatering system in the Suffolk County Sewer District.

LEG. MONTANO:

Explanation.

P.O. LINDSAY:

We need a motion and a second.

LEG. VILORIA • FISHER:

I'll make a motion.

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro, seconded by Legislator Horsley. And Legislator Montano would like an explanation.

LEG. MONTANO:

Just with respect to the transferring of the reserve funds.

P.O. LINDSAY:

Gail, maybe you could address that.

MS. VIZZINI:

This is a sewer assessment stabilization reserve fund, it is a million dollars that's being transferred to the Capital Program for this specific project.

P.O. LINDSAY:

Okay. All those in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1386 A, a bonding resolution appropriating funds in connection with the improvements to the County Correctional Facility in Riverhead.

I will make the motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Seconded by Legislator Eddington, was it?

LEG. EDDINGTON:

Yep.

P.O. LINDSAY:

Okay. On the question? Nobody on the question? On the question, Legislator Alden.

LEG. ALDEN:

Is this part of the rebuilding program, or is this just repairs?

P.O. LINDSAY:

This is Riverhead.

LEG. ALDEN:

Riverhead was part of the rebuilding, I believe too.

MS. VIZZINI:

These are necessary repairs to Riverhead, included in it is •• the refiguring of one of the pods towards direct supervision model, which will help in the training for when we have to do the Yaphank facility.

LEG. ALDEN:

I'm not on this committee. Did the Sheriff weigh in on the direct supervision portion of that?

MS. VIZZINI:

There was a speaker from the Sheriff's Office earlier today addressing their support for this resolution.

LEG. ALDEN:

Now, I've had some contact in my Legislative District Office, and some of the people that are in our Corrections Department are not real happy with direct supervision. They feel it could put their lives in jeopardy, and •• I'm not so sure that •• if we commit to this today, are we committing it a direct supervision model?

MS. VIZZINI:

Well, the direct supervision model is just one of the aspects of these improvements. The comments shared by your constituents are not

uncommon among people who have not experienced direct supervision. They'd have to be trained in it and have to work in it. What usually happens according to the state and according to the people in the department is that once they better understand and see the effectiveness, they usually buy into it.

LEG. ALDEN:

Thanks.

P.O. LINDSAY:

Hopefully. Anybody else. Roll call.

**(THE ROLL WAS CALLED BY TIM LAUBE • CLERK OF THE
LEGISLATURE)**

P.O. LINDSAY:

Yes.

LEG. EDDINGTON:

Yes. Sorry.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Abstain.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

LEG. VILORIA • FISHER:

Yes.

MR. LAUBE:

17.

P.O. LINDSAY:

Okay. Before I go on with the agenda, Counsel just pointed out to me we passed IR 1359 a little while ago, and there's a Scribenor's error on page two. If you go to it on your sheet, you'll see that it talks about the current 2003 Capital Budget and Program. Obviously it should say 2006. So I would entertain a motion to correct that scribenor's error.

LEG. ALDEN:

We don't need a motion to correct.

MR. LAUBE:

1386, you need same motion.

P.O. LINDSAY:

Right. Same motion, same second, same vote.

MR. LAUBE:

17.

[RETURN OF STENOGRAPHER • DONNA CATALANO]

P.O. LINDSAY:

1386, 1386A (Appropriating funds in connection with improvements to the County Correctional Facility C • 141, Riverhead, (CP 3014).

Same motion, same second, same vote.

MR. LAUBE:

17.

P.O. LINDSAY:

1387, 1387A (Amending the 2006 Capital Budget and Program and appropriating funds in connection with the renovation of the existing 6th Precinct, Coram (CP 3188)).

LEG. LOSQUADRO:

Motion to approve and cosponsor, Mr. Clerk.

P.O. LINDSAY:

Motion by Legislator Losquadro, seconded by Legislator Caracappa. Anybody want to speak? Nobody wants to speak. Roll call.

**(THE ROLL WAS CALLED BY TIM LAUBE • CLERK OF THE
LEGISLATURE)**

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes, cosponsor.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

LEG. VILORIA • FISHER:

Yes, cosponsor.

P.O. LINDSAY:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

Same motion, same second, same vote. I see we're joined by the 19th Legislator over there. ***IR 1400 (Approving the purchase of thirty (30) hybrid/electric vehicles in accordance with Section 186•2(B)(6) of the Suffolk County Code and in accordance with the County vehicle standard).*** Do I have a motion?

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Do I have a second? Seconded by Legislator Browning.

LEG. LOSQUADRO:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

Being that I'm not part of that committee, did the Department of Public Works weigh in on this at the committee meeting?

P.O. LINDSAY:

Will the Chairman from Public Works please answer that?

LEG. MYSTAL:

If we buy them, we have to drive them. They ain't driving them.

LEG. SCHNEIDERMAN:

Yes, they did. There were no problems with this. The Commissioner, I believe, was asked on the record about this and there was no problem.

LEG. LOSQUADRO:

Thank you.

P.O. LINDSAY:

Very good. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

P.O. LINDSAY:

One opposition.

LEG. VILORIA • FISHER:

Cosponsor.

MR. LAUBE:

17.

LEG. COOPER:

Cosponsor, please.

LEG. HORSLEY:

I'll go for the co also.

P.O. LINDSAY:

IR 1378 (Approving the reappointment of Arlene Stevens as a member of the Senior Citizens Advisory Board). Do I have a motion? Motion by Legislator Caracappa, second? I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

If there's no objections, I'm going to go through these appointments same

motion, same second, same vote, all right? ***1379 (Approving the reappointment of Chestene Coverdale as a member of the Senior Citizens Advisory Board)***. Same motion, same second, same vote.

MR. LAUBE:

18.

P.O. LINDSAY:

1380 (Approving the reappointment of Blanche Mulholland as a member of the Senior Citizens Advisory Board). Same motion, same second, same vote.

MR. LAUBE:

18.

P.O. LINDSAY:

1398 (Authorizing an amendment of an agreement between the Office of the Aging and the Gerald J. Ryan Outreach Center, Inc.).
Legislator Mystal?

LEG. MYSTAL:

Motion.

P.O. LINDSAY:

Motion by Legislator Mystal, seconded by Legislator Stern. All in favor?
Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

We have a ***Procedural Motion Number 3 (Designating Veterans Organizations to receive funding for Memorial Day Observances)***.
Legislator Stern.

LEG. STERN:

Motion to approve.

P.O. LINDSAY:

Seconded by Legislator D'Amaro.

LEG. BROWNING:

Cosponsor, please.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

LEG. ALDEN:

Mr. Presiding Officer.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I apologize for having to go back to this, but I'd like to make a **motion to reconsider 1252** for the purpose of tabling it for one cycle. I didn't have a lot of information on it. It's Labor, workforce and Affordable Housing, I'm not on that committee. Bill Faulk has provided some information, I'd like to have some time, because it looks like he did analyze this, and I didn't have a chance to really analyze the impacts on this.

P.O. LINDSAY:

Legislator Alden has made a motion to reconsider 1252.

LEG. LOSQUADRO:

I'll second that motion.

P.O. LINDSAY:

About the salary plan. We're back to the salary plan.

LEG. D'AMARO:

Excuse me, Mr. Presiding Officer. Again, pursuant to my notice, I recuse on that.

P.O. LINDSAY:

Legislator Alden wants to reconsider. Do I have a second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Legislator Losquadro. Okay. Motion to reconsider.

MR. LAUBE:

What is the second?

P.O. LINDSAY:

Losquadro. Roll call on the reconsideration.

**(THE ROLL WAS CALLED BY TIM LAUBE • CLERK OF THE
LEGISLATURE)**

LEG. ALDEN:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Pass.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes to reconsider.

LEG. BROWNING:

No.

LEG. CARACAPPA:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

To reconsider, yes.

LEG. BARRAGA:

Pass.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

No.

LEG. STERN:

No.

LEG. D'AMARO:

Recuse.

LEG. COOPER:

Yes.

LEG. VILORIA • FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

12.

LEG. ALDEN:

I would make a motion just to table for one cycle.

P.O. LINDSAY:

Okay. We have a motion to table.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Seconded by Legislator Montano. Any discussion? Roll call.

**(THE ROLL WAS CALLED BY TIM LAUBE • CLERK OF THE
LEGISLATURE)**

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Abstention.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

No.

LEG. STERN:

Yes.

LEG. D'AMARO:

Recuse.

LEG. COOPER:

Yes.

LEG. VILORIA • FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

13.

P.O. LINDSAY:

Ways and Means. ***1114 (A Local Law to authorize County registry for domestic partners).*** Legislator Cooper.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Cooper, do I have •• a second by Legislator Vilorina •Fisher. On the motion?

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

I think that what we might be doing here is going in a direction where we are going to be sort of buying lawsuits. Here's my take on it. And I know in America everybody sues over everything, but right now there's a situation even in the Clerk's Office where there can be a dispute whether they properly recorded documents, didn't record documents. And now we're kind of pushing it into personal relationships.

We're going to have people say that, oh, yeah, I did register that. Now, Suffolk County must have registered it incorrectly, they must have done something, lost it. We're going to be involved in lawsuits where people really do at this this point, they have some legal options. And if they talk to an attorney, you execute somewhere between two and six documents, you can pretty much cover your relationship between two individuals.

We're going into another position too where you are going to have individuals in the Clerk's Office are going to have to verify information from somebody like myself. You know, I want to have a girlfriend, I'm going to put her on my everything. I want her on my insurance, I want this, I want that and the other thing. Now, Clerks are going to be forced to look at documentation and make a determination whether that's a legal type of relationship that belongs on our registry or whether it's not something that belongs on our registry.

And I think we're going a little bit too far in that regard.

If somebody has somebody and they want to take care of them or they want to make sure they can get into a hospital room, there are legal remedies right now. And I think that we're buying a ton of lawsuits, we're giving false hope to some people that are going to take this, oh, I'm on the registry. And they're going to be told, no, get out of here, I'm sorry, registry doesn't mean anything. So I think that, you know, it would be misleading, but it also, I think, the biggest point of my nonsupport of this is that I think we're going to be buying a ton of lawsuits. So I'm going to be voting against this.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

Thank you, Mr. Chair. I to some extent share Legislator Alden's concerns. And I think that, unfortunately, some may take it as a message from this body that they are somehow entitled to rights that this registry does not provide to them, particularly when it comes to making financial decisions or medical decisions.

In speaking with the sponsor of the bill, and perhaps Legislator Cooper can once again assure myself and my colleagues, that I'm told that when those interested in registering go down and actual register that perhaps there will additional information, documentation that's given to them to perhaps further explain the rights that they do have under the registry and those that specifically do not, and perhaps the sponsor can better elaborate on that.

LEG. MYSTAL:

This is to Legislator Alden. I've been around this body for about 18 years. We've been trying to pass this legislation for about ten of those 18. And every time we are close to passing it, there is some kind of snag and some kind of objection to it. In terms of lawsuits, the mountain of garbage law that we pass around here that can give us lawsuits. I mean, we pass all kind of junk that if anybody wants to look at them closely, they can sue us to the hilt.

I have never seen us worry about it. As a matter of fact, we pride our self on saying, "Sue me if you don't like it." We like that idea. We always say. You know, we pass a bottle bill that people say to us is unconstitutional. We say, "Sue me." The detergent bill, we say, "Sue me." The Ephedra bill, we say, "Sue me." So in terms of being afraid of being sued, the County being sued, because we enact legislation, I don't think it holds water, because that has never stopped us.

But the most important point, this resolution does not do anything to anybody else. It does not take anything away from anybody. It doesn't hurt anybody. It does not create any situation that will put anybody in danger. This is just a simple fact of recognizing that two people need some times some legal protection, and that, yes, they probably could get a lawyer and go and do all that if they had the money, if they had the know•how, but sometimes they don't. And the simple fact that all it costs then is \$1.25 to go to a Notary Pubic and get a piece of something •• you know, an affidavit notarized, which may protect them, it doesn't hurt you, Alden, it doesn't hurt any of us.

LEG. ALDEN:

Point of personal privilege.

LEG. ALDEN:

As long as you're directing your remarks to me, then I have to respond to something, because that's exactly my fear, that you are going to tell people out there that this is going to protect their legal rights. Now, I'm an attorney. If I said that to them, I'd get hung and I'd be subject to a lawsuit, because this doesn't protect any of their legal rights, it doesn't establish a legal right. And more importantly, actually can create in their mind that they are protected and they're are going to find out that they're not protected.

So that's exactly the misconception that I would like to prevent. And I hope everybody thinks about it very, very closely before you go and pass this. And maybe you can write it a little bit differently where it was suggested by Legislator Stern that other documentation is executed by these people when they go and register and that might protect their legal rights if it's the proper type of documentation. But this in itself creates a whole mess of a problem for people, including what you just said, where they think they've got an established legal right now, because they don't have any legal right under this.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I spoke with the sponsor at length, as a matter of fact and as I did in the Ways and Means Committee to go ahead and raise my concerns. One of them is procedurally as Legislator Alden articulated, I believe that what this does is it introduces an element of subjectivity or Grade 9 Clerks who are going to have to go ahead and validate proofs and authorizations. In one respect, the sponsor has attempted to go ahead and create confidentiality associated with this registry, but at the same time has introduced an element of subjectivity that is there now in the Clerk's Office. And so I express the concern to him about that.

I also indicated to him that I felt that his coverage was overbroad in that he elected to go ahead and create the registry both for same gender couples as well as heterosexuals. So my concerns go to both the procedural and to the broad category associated with it. And so because of those matters, I will oppose the bill as well.

P.O. LINDSAY:

We have a motion and a second. I'm sorry. Legislator Cooper.

LEG. COOPER:

First of all, Legislator Alden, I assume you're just wrong. You said it doesn't confer any legal rights. It doesn't confer legal rights, not as many as I would like it too, because this is no equivalent or even close to being equivalent to civil marriage. But according to New York State Law, domestic partners have the right to visit to our loved ones in a hospital or in a nursing home, we have the right to determine what to do with their bodily remains if our loved one passes away. If our private company that we work for grants health benefits to domestic partners, they need some way to prove that they are domestic partners.

And this was brought to light after 9/11 after there were dozens of gay people, and I'm sure some straight people as well, that were in long termed committed relationships like me with my Partner Rob, 26 years together raising five kids together, who lost their loved one or they were severely injured and in the hospital, and at that time, they had no rights because New York State Law did not grant them to them at that time. But even now that New York State does grant those legal protections •• imagine that you have a

domestic partner who's been in a car accident or suffered heart attack, you rush to the emergency room try to visit them, and, yes, I mean, you could if you had the presence of mind, I guess you have gone home on the way and collected your joint will or your joint mortgage or joint utility bills or the power of attorneys and grabbed all the documents and hopefully your partner would be still be alive, or you do what I do, because I have a domestic partner registration card that I got through the Town of Huntington that I carry in my wallet, so God forbid Rob were to be injured in a car accident or suffered a heart attack, I would be admitted to any hospital in New York State under New York State Law.

So there are some legal protections that are granted. We're not inventing the wheel here. There are probably 20 million Americans that are covered right now by Domestic Partner Registration Laws, New York City among, but there are other municipalities throughout New York State. And I don't know of one lawsuit, not one, that has ever been brought. And I forget who said this, but it's true, it seems like whenever we're getting close to finally passing this, new concerns finally come to the forefront.

So I don't think we're going to be facing tons of lawsuits from anyone if this is enacted. We've already had Domestic Partner Registry Laws in place at the Town level, I think it's five towns now in Suffolk County that have enacted them. And the other concern about the logistics in the County Clerk's Office, once again, I don't think that's an issue. I spoke with Judy Pascale, she has no problems with the bill. But if there is a problem that comes down the road, rest assured that I will be the first one to address the situation.

But this is the right thing to do. There are thousands of Suffolk County residents that are watching us right now as we're about to vote, they're counting on us to finally do the right thing. I know that my five kids are watching this vote. I ask that we call the vote. Thank you.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

Okay. Legislator Alden.

LEG. ALDEN:

I was going to commend you for what you're trying to do for people, because you are trying to provide some kind of hope and a little bit of guidance here, but you know what, Jon? If you are insinuating that I somehow have come up at the last minute now with another road block or another thing, then I suggest you go back and read a whole bunch of documents, including all the minutes that have been taken, like, in the past four or five years here every time this bill has come up, because I've expressed the exact same concerns each and every time, Jon. So I suggest you do a little reading before you go and make some kind of an accusation like that.

P.O. LINDSAY:

We have a motion and a second. Roll call.

LEG. SCHNEIDERMAN:

On the motion, I want to say that this is not my first time voting on a domestic partnership registry, it's my second time. As East Hampton Supervisor, we were the first town to establish a domestic partnership

registry. And, Jon, I know your passionate about this, you're personally affected by it. I'm not personally affected by it, but I do think it's the right thing to do. It's the right message for Suffolk County to send. Roll call.

**(THE ROLL WAS CALLED BY TIM LAUBE • CLERK OF THE
LEGISLATURE)**

LEG. COOPER:

Yes.

LEG. VILORIA • FISHER:

Yes, cosponsor.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

No.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes. Cosponsor, please.

P.O. LINDSAY:

Yes.

MR. LAUBE:

13.

LEG. COOPER:

Thank you very much. I appreciate this.

APPLAUSE

P.O. LINDSAY:

Moving right along. ***IR 1251 (Authorizing certain technical correction to Adopted Resolution No. 1037•2005)***. Legislator Eddington, you want to make a motion.

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Second? I'll make the second.

MR. LAUBE:

Who was the motion?

P.O. LINDSAY:

Eddington, motion, second, Lindsay. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1254 (Authorizing certain technical corrections to Adopted Resolution No. 536•2005). I'll make a motion, seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1255 (Authorizing certain technical corrections to Adopted Resolution No. 94•2006). Same motion, same second, same vote.

MR. LAUBE:

18.

P.O. LINDSAY:

1258 (Sale of County•owned real estate pursuant to Local Law 13 •1976 (SCTM No. 0200•978.10•01.00•076.000). I'll make a motion, do I have a second?

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Seconded by Legislator Eddington. All in favor? Opposed? Abstentions.

MR. LAUBE:

18.

P.O. LINDSAY:

1259 (Sale of County•owned real estate pursuant to Local Law 13 •1976 Joyce Smith and Winston Fearon (SCTM No. 0400•211.00 •02.00•036.000). Same motion, same second, same vote.

MR. LAUBE:

18.

P.O. LINDSAY:

1289 (Authorizing the reconveyance of County•owned real estate pursuant to Section 215, New York State County Law to Francisco Cruz (SCTM No. 0500•229.00•02.00•078.002).

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

18. I'm sorry, Legislator Lindsay. On 1289 who was and the second?

P.O. LINDSAY:

Motion by Legislator Montano, seconded by Legislator Eddington.

MR. LAUBE:

Thank you. 18.

P.O. LINDSAY:

1312 (Authorizing license agreement with Developmental Disabilities Institute for use of Hard Estate Greenhouse at West Sayville County Park). I'll make a motion.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Seconded by Legislator Montano. All in favor? Opposed? Abstentions?

LEG. KENNEDY:

Mr. Chair, on this one as I did in committee, I will abstain for the same reasons stated.

MR. LAUBE:

17.

P.O. LINDSAY:

1316 (Approving an agreement to acknowledge a lease between Verizon Wireless and Veterans Memorial LLC, and consenting to the use of a portion of the rooftop at County leased facilities by Verizon).

Do I have a motion? I'll make the motion, seconded by Legislator Horsley.
All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1321 (Authorizing the County Clerk to file an application for additional State Mortgage Tax Reimbursement). Do I have a motion?

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy, second by Legislator D'Amaro. All in favor?
Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1325 (Authorizing certain technical corrections to the 2006 Adopted Operating Budget). I'll make a motion, seconded by Legislator Eddington.
All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1343 (Review of auction rules for the disposition of surplus property acquired under the Suffolk County Tax Act). Do I have a motion?

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Eddington, seconded by Legislator Viloría•Fisher. An explanation was asked for.

MR. NOLAN:

These are the auction rules for the disposition of surplus properties that we get under the Suffolk County Tax Act. Legislative approval is required under the Code. The rules are extensive, they're 28, 30 pages long.

LEG. KENNEDY:

Mr. Chair, on the motion.

P.O. LINDSAY:

Yes. Legislator Kennedy.

LEG. KENNEDY:

In committee we had extensive conversation about this. It is about a 40 rule set of guidelines that govern the way actions are taken. And I raised questions about, in particular, some issues as far as how the County approaches clearing the title, resolution of title and a number of other items. We were advised by the Division of Real Estate that there was a sense of urgency with adopting these rules based on recent a action that we took to settle an EPA lawsuit.

I was made the motion for discharge without recommendation because I was hoping that there would be some explanation as to how these two issues were linked. There was never any representation that this piece was critical or integral to the actions that we took with the EPA settlement. I think there's many complex policy issues in here. I would make a motion to table at least one cycle, because I think it has profound implications for us as an entity as we go forward by adopting these rules.

P.O. LINDSAY:

Our next auction is in May, right?

LEG. KENNEDY:

Mr. Chair, I'm not sure.

P.O. LINDSAY:

It's usually in May.

LEG. KENNEDY:

I don't think we've had an auction for three years, Mr. Chair. I don't know that we are going to have an auction.

LEG. MONTANO:

Just so you know, this is true, I got a call from someone named Rasheem the auctioneer. That was the message. I called back, and essentially he had some questions with respect to the cost for the auctioneer. And what he was saying was that the way he does auctions, he puts a sign in the ground, he charges \$50, but there's some auctioneers that actually get 10% of the auction for sticking that sign in the •• you know, in front of the house. I asked him to call me back on a Monday, it was last Friday, he didn't call me back. I don't really know where this is going. It's an 800 number and I have it, I can pass it on to you if you're really interested.

But the question is that this •• Legislator Kennedy is correct, it came up in committee, and we were advised that this was time sensitive, that's why we discharged it without recommendation. And my question to someone in the administration is is this really time sensitive. And if it is, then we'll discharge it or maybe someone from the County Attorney's Office •• because that was a legitimate question. We're not trying to stifle this.

P.O. LINDSAY:

We have a motion and a second. We have a motion to table, I don't have a second.

LEG. ALDEN:

Second on the motion to table.

P.O. LINDSAY:

Second by Legislator Alden to table it. Would anyone from the Exec's Office like to comment on this and give us some explanation as far as the timeliness.

LEG. ALDEN:

Mr. Presiding Officer. Just to add one little thing here. In conversation here with our Counsel, if we approve this, this is not a review of, this is approval of new rules.

P.O. LINDSAY:

What I'm going to do is I'm going to skip over this while we get an answer to that so we can move along and make this unfortunate wake that we all have to attend. ***1344 (Confirming the appointment of County Commissioner of Information Technology (Sharon J. Cates•Williams)).***

LEG. HORSLEY:

I'll make the motion and also cosponsor.

P.O. LINDSAY:

Motion by Legislator Horsley, seconded by Legislator Vilorio•Fisher. On the question, nobody. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1346 (Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of Islip) (0500-367.00-02.00-100.000). I'll make the motion, seconded by Legislator Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1348 (Authorizing the placement of certain properties owned by the County of Suffolk in public use pursuant to Section 406, New York State Real Property Law). Motion by Legislator Kennedy, I'll make the second myself. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1369 (Transferring cash balances from the County Road Construction Fund (Fund 526) and accepting revenue in the County Road Fund (Fund 105). I'll make a motion for the purpose of explanation, do I have a second?

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Seconded by Legislator Eddington. Could someone explain this to me?

MS. VIZZINI:

It transfers \$115,485. It's an available balance from old account, earnings on capital investments. The money is going to the road fund. It's applied being to offset debt service.

P.O. LINDSAY:

Wonderful. Okay. All those in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1388 (Amending the 2006 Capital Budget and Program and appropriating funds from the 2006 Capital Budget in connection with the Optical Disk Imaging System • Redacting Software Application (CP 1751).

LEG. VILORIA • FISHER:

Motion.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine, seconded by Legislator D'Amaro. Any discussion? All in favor? Opposed? Abstentions?

LEG. COOPER:

Cosponsor.

LEG. ROMAINE:

Cosponsor.

LEG. D'AMARO:

Cosponsor also.

MR. LAUBE:

18.

P.O. LINDSAY:

1406 (Appoint member to the Suffolk County Ethics Commission (Eric Sachs)). I'll make that motion.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Seconded by Legislator D'Amaro.

LEG. ALDEN:

On the motion.

LEG. ALDEN:

On the motion, Legislator Alden.

LEG. ALDEN:

Is he filling an expired term, or is he replacing someone?

P.O. LINDSAY:

My understanding is that two of the three people have stepped down from the Ethics Committee. We needed to get somebody there fast to keep the operation going.

LEG. ALDEN:

Good.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Mr. Sabatino, can you answer our question on the auction rules.

MR. SABATINO:

Yes. Thank you, Mr. Presiding Officer. The Greco Land Reform Legislation of several years ago resulted in a change in the statute that requires the auction rules to be approved by the Legislature each and every year. They can't take affect unless •• until that action is taken. What you have in front of you •• I didn't look that closely, but it's basically that you take the rules from the years before plus or minus any changes.

The reason it's time sensitive is that until such time as the rules are adopted, Chapter 712, I think it's Section 712•6 to be exact, but it's one of those sections, unless you specifically get the rules approved on an annual basis, even if they're identical to the rules from the years before, you don't have rules in place to deal with the auction, so that's where the time sensitivity does come in.

P.O. LINDSAY:

Do we have an auction coming up?

MR. SABATINO:

Well, we're waiting for one more •• we're waiting for one more court decision. If you recall, the Toussie Court Decision from a year ago had held things up, but we were successful in the Appellate Division just recently. There's one more action pending in Federal District Court. We were supposed to have had a decision by March 31st. I haven't seen it yet. We will be having an auction at the earliest possible date once we have that last decision in place.

P.O. LINDSAY:

I think we have a question from Legislator Kennedy.

LEG. KENNEDY:

Through the Chair, and I know ••

P.O. LINDSAY:

I got you.

LEG. KENNEDY:

Paul, my question goes to •• in committee we talked about some of the duties, I guess, that we assume when it comes to clearing title issue and things such as that. I don't think that I necessarily want to belabor the

balance of the horseshoe with these. I'd be happy to go ahead and somebody in the Division of Real Estate. However, adopting this was coupled not with the ability to go ahead and set up another auction. This was tied to the settlement of the EPA suit that we just recently engaged in. And so it was represented by the Division of Real Estate that it was critical that we go ahead and approve these rules in order to effectuate the settlement agreement. I couldn't follow that.

MR. SABATINO:

I hear what you are saying. I wasn't obviously at the committee. I didn't hear that reported back. It sounds odd to me on the surface. I don't at least initially see what the linkage would be. If that was represented ••

LEG. KENNEDY:

Can I ask, we have Ms. Lolis here from the County Attorney's Office who ••

MS. LOLIS:

That's the only thing I'm not understanding. I don't know which committee you are talking as far as the Division of Real Estate was discussing.

LEG. KENNEDY:

Ways and Means, Gail.

MS. LOLIS:

No. I mean as far as the EPA settlement is concerned, I don't understand how that is tying in as far as these auction rules are concerned, as far as this bill.

LEG. KENNEDY:

Nor could I. Yet that was what •• when we asked for one cycle to discuss some of the items in 40 different particular rules associated with conducting the auction, we were told that we had to go ahead and pass this in order to effectuate that. It didn't make sense to me. I'll defer. Maybe I'm not asking the questions right.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Paul, through the Chair, if you could arrange for whoever is appropriate on your side to come and give a little bit more of an in depth briefing, I don't mind voting for this right now, but •• because I think we have the ability to revisit it at any time that we choose if we have the ability to approve it. But I would like a little bit, you know, more of a briefing on what the rules are and I'd like a legal opinion whether they're constitutional or what problems there might be.

MR. SABATINO:

I hear what you are saying. I have to tell you, if I had heard that that comment had been made at Ways and Means, I would have looked into it,

because, again, on the surface just knowing the way the statutes work and knowing what I know about the EPA, I just can't see a connection unless •• and the attorney that was working on it doesn't have it.

I understand your concern having made •• you know, having heard the representation at the committee. It's probably disturbing to you not to have the connection in order to vote on it. I mean, I'm just looking at the rules right in front of me right now real quickly. The changes look to be, you know, really more like in the nature of, you know, technical. There's only a couple of items that are being bracketed out or underlined. I don't see substantive changes. I'm just looking real quickly as I flip through them.

You know, I'm caught in a quandary. On one hand, it would nice to get the legislation adopted so we have the rules in place. If we had the opportunity to come back to the committee and address that concern •• I can't imagine how there could be, you know, a connection. But if there is some connection that was misrepresented to you we'll try to straighten that out. I can represent that much to you or commit that much to you.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Paul, obviously you have the rules in front of you. Are you knowledgeable about the rules? Because •• the question I have goes to the fees for auctioneers, and I don't know if you know anything about that, I certainly don't. It was raised to me as a question, so I'm just curious if off the top of

your head you have some knowledge of the rules. Can you tell me if that auction fee is based on a structure or a percentage?

MR. SABATINO:

It should be a percentage. There was a time when I knew them cold when I had a reason too. At this juncture, you know, I tend to defer. I know it's based on a percentage, you know, what the most current percentage is. I'd be happy to take quick look.

LEG. MONTANO:

Ten percent was given to me as a figure. It seemed a little excessive versus a fee per property. That's the way it was explained. Can you just comment on that quickly and I'll move on. If you know the answer. If you don't know it, just say so.

MR. SABATINO:

If you look at item number 27, it discusses the •• the auction fees will be in the range of one to 3% of the sales price.

LEG. MONTANO:

Okay. Thanks.

MR. SABATINO:

Legislator Montano, in item number 27 the range is 1% to 3% of the sales price.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

A couple of points. And these are not questions for Mr. Sabatino, just a couple of points on this issue. One, I'm a member of the committee, and I do recall the representations that Legislator Kennedy made. I heard the same representation. And in addition to that, I'm hearing now from Mr. Sabatino that there were technical changes, but at the time, at the committee, they were presented to us as if there no changes. So we assumed, because we were told •• are these rules the same as last year? We were told, and we should get a transcript from the Clerk's Office, because a verbatim transcript will back us up •• that there were no changes. So we assumes this was a pro forma matter, although I abstained on it because I had my questions concerning it.

So based on that and based on the fact that we are waiting a Federal Court decision that as of this date has not been handed down, I think it would be prudent for the Legislature to table for one cycle, allow it to come back to committee, allow all the changes, whether they be technical or otherwise, to be listed for us, instead of saying that there were no changes, these were same rules as last year and any other representations. And hopefully, by that time the Federal Court decision will be decided and we'll be capable of moving forward. I don't believe the timeliness is so urgent as to be adopted at this meeting considering some of the representations that proved not exactly correct that were made to the committee. Thank you.

MR. SABATINO:

I would say this, Mr. Chairman. In the interest of time, I think Legislator Kennedy's question is a legitimate one. I'm troubled that that statement was made without, you know, support. A tabling for one cycle would be agreeable. But real quickly, I'll just •• the changes are on page four, just one sentence being underlined.

P.O. LINDSAY:

Rather than going into that, Paul, if you'd like to have it tabled, let's table it.

MR. SABATINO:

Table it one cycle. I think Legislator Kennedy's question should be answered.

P.O. LINDSAY:

And maybe you could have the answers that •• you know, I think that would be great, because it's a late hour and people are starting to get tired.

LEG. KENNEDY:

Through the Chair, I'll share with Mr. Sabatino my other questions.

P.O. LINDSAY:

Can't we just go with the tabling? Wonderful. We have a tabling motion by Legislator Kennedy, do we have a second?s.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine. I'm sorry, it should have been Legislator Romaine and Kennedy, but... All those in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Memorializing Resolutions. ***M.009 (Memorializing resolution requesting State of New York to enact Nixmary's Law).***

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro, seconded by Legislator Vilorio•Fisher. On the subject? All those in favor? Opposed? Abstentions?

P.O. LINDSAY:

Cosponsors.

LEG. ROMAINE:

Cosponsor for all.

LEG. ALDEN:

Everybody.

MR. LAUBE:

Everybody on board with that? All right. That makes it easy for me.

18.

P.O. LINDSAY:

M.010 (Memorializing resolution requesting State of New York to amend Real Property Tax Law for eligible reservists). Motion by

Legislator Stern, seconded by Legislator Eddington. All those in favor?
Opposed?

LEG. ROMAINE:

Cosponsor.

MR. LAUBE:

All?

LEG. ALDEN:

Another round of drinks.

LEG. HORSLEY:

Co away.

P.O. LINDSAY:

Give me a count.

MR. LAUBE:

18.

P.O. LINDSAY:

M.011 (Memorializing resolution in support of amending the County Law to prohibit a County Clerk's Office from accepting for filing or recording any documents which include the social security number of any person (Assembly Bil A.9996 and Senate Bill S.6766).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine. Do I have a second? Seconded by Legislator Cooper. All in favor? Opposed? Abstentions? How many cosponsors do you want? Everybody wants to cosponsor.

MR. LAUBE:

18.

P.O. LINDSAY:

M.012 (Memorializing resolution requesting the United States Congress to enact the "Reverse Mortgages to Help America's Seniors Act"). Legislator Stern, you want the pleasure?

LEG. STERN:

Motion to approve.

P.O. LINDSAY:

Motion to approve, Legislator Mystal seconds.

LEG. HORSLEY:

Co for everybody?

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

How many cosponsors?

MR. LAUBE:

If you're a no, just put your hand up.

P.O. LINDSAY:

M.013 (Memorializing resolution in support of increasing penalties for criminal convictions of drunk driving where children are passengers).

LEG. LOSQUADRO:

Motion to approve.

P.O. LINDSAY:

Legislator Losquadro makes a motion to approve and I'll second it. All in favor? Opposed? Abstentions?

LEG. VILORIA • FISHER:

Cosponsor.

LEG. ROMAINE:

Cosponsor.

MR. LAUBE:

18.

P.O. LINDSAY:

M.014 (Memorializing resolution in support of New York State Senate Bill S.06622 and New York State Assembly Bill A.09470). I'm going to make a motion •• or Legislator Stern will make the motion. For clarification, I'll second. Could Legislator Stern please tell us what these bill numbers equate to?

LEG. STERN:

The two bill together would allow communities, municipalities to design and implement a program that provides senior citizens an opportunity to provide volunteer work communities and then receive a property tax credit.

LEG. ALDEN:

Cosponsor.

P.O. LINDSAY:

Anybody have any questions? No? All in favor? Opposed? Abstentions?

LEG. ROMAINE:

Cosponsor.

MR. LAUBE:

18.

P.O. LINDSAY:

Everybody who wants to cosponsor, hold your hand up.

LEG. COOPER:

This is to cosponsor.

MR. LAUBE:

18.

P.O. LINDSAY:

M.015 (Memorializing resolution in support of United States Senate Bill (S.1103) to repeal the individual alternative minimum tax).
Legislator Stern?

LEG. STERN:

Motion to approve.

P.O. LINDSAY:

Second by Legislator Losquadro. On the issue? No one on the issue. All in favor? Opposed? Abstentions?

LEG. ROMAINE:

Cosponsor.

MR. LAUBE:

Everybody on that one? 18.

P.O. LINDSAY:

M.016 (Memorializing resolution requesting United States Congress to enact the Medicare Informed Choice Act of 2005). Legislator Stern.

LEG. STERN:

Motion to approve.

LEG. MYSTAL:

I'll second it.

P.O. LINDSAY:

Second by Legislator Mystal. All those in favor? Opposed? Abstentions?

LEG. COOPER:

Explanation.

LEG. STERN:

This is proposed federal legislation that would extend the period of time for seniors to enroll in the Medicare Part D Pharmaceutical Program that currently is set at May 15th. This would extend the deadline by six months to November 15th for seniors to enroll without penalty.

LEG. COOPER:

Okay. Cosponsor.

LEG. ALDEN:

Cosponsor.

LEG. MONTANO:

Cosponsor.

LEG. MYSTAL:

Anybody near 60 better cosponsor this.

LEG. D'AMARO:

Cosponsor.

MR. LAUBE:

That was 18.

P.O. LINDSAY:

M.017 (Memorializing resolution in support of shared parenting bills).

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by Legislator Cooper, seconded by Legislator D'Amaro. I would like to hear an explanation.

LEG. COOPER:

As the resolution says, there have been numerous studies that have shown that joint custody is better than sole custody. And this would establish a presumption in favor of joint custody in matrimonial proceedings and would require courts in New York State to award custody to both parents in the absence of allegations that joint custody would be harmful to the children.

LEG. MYSTAL:

Let me get a piece of this. The impetus for this bill is the fact that a lot of parents, a lot of male fathers, are denied custody because they are serving their country in a war zone. Yes. And the mother will go to court and say, well, this guy is not around, therefore, I should have sole custody. And this is the impetus behind this, you know, because there are a lot of people who are returning •• if you want, I can call somebody who is sitting right here who can give us •• can you please come to the podium.

P.O. LINDSAY:

What are you doing. Why are you calling people to the podium for?

LEG. MYSTAL:

I'm sorry. Mr. Presiding Officer, can I call somebody?

P.O. LINDSAY:

Who are you calling.

LEG. MYSTAL:

I don't know her name. What's your name, dear?

MS. CLARK:

Ashley Clark, I'm the founder of Mothers for Shared Parenting. We're a local organization here fighting to get the bills A330 and S291 passed in Albany. These bills, like Mr. Cooper said, apply only to fit parents. If there's any allegation that's below a standard of any misconduct, any abuse, anything like that, it's not even not applicable, it doesn't apply. We're just asking for Suffolk County's support of this legislation that will hopefully pass in Albany very soon.

P.O. LINDSAY:

I appreciate you coming down, but this is really inappropriate. We're in the middle of ending our agenda. These people should have testified during the public portion.

LEG. MYSTAL:

They did, but somebody wanted an explanation around the horseshoe. Mr. Presiding Officer, I'm sorry, I apologize. Somebody wanted an explanation

P.O. LINDSAY:

Does anybody have anything else they would like to say about this?

MS. CLARK:

Thank you.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

LEG. NOWICK:

Abstaining.

MR. LAUBE:

17.

P.O. LINDSAY:

Okay. We have CNs. If you go to the red packet. **1477.**

LEG. NOWICK:

Motion.

P.O. LINDSAY:

Motion by Legislator Nowick, seconded by Legislator Kennedy. Anybody want to speak? All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

CN 1493. I'll make that motion.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Seconded by Legislator Browning. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

We have late starters. We have to make a motion to waive the rules and lay on the table the following ••

LEG. MYSTAL:

Mr. Presiding Officer, the tax bill.

P.O. LINDSAY:

I'm sorry. Thank you. I'll do these and I'll go right tho them. These are the late starters, waive the rules and lay on the table 1494 to EPA, 1495 to EPA, 1496, Public Safety, 1497 probably Economic Development, Higher Education, Memorializing Resolution 28 to Ways and Means, okay, I need a motion. Motion and a second. All in favor?

MR. LAUBE:

What is the motion?

P.O. LINDSAY:

The motion is to waive the rules and lay those following on the table. We also have another late starter, which would go in that packet, Home Rule Message No. 2, requesting the State of New York to establish the Peconic Bay Regional Transportation Council, and this has been assigned to EPA •• we're going to vote on it today •• let me lay it on the table as a late starter. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

We have two bills that were aging an hour, and it's more than an hour. First, **1290**. We're waiting for a legal opinion on that as well as on the veterans alternative real property. Do we have that yet?

MR. SABATINO:

The time sensitivity is that the assessment rolls have to be sent by the town assessors to the County no later than May 1st. So they have to complete the assessment roll no later than May 1st. In order to allow the firefighters in the one case and the veterans in the other case be legible to get the exemption for next year's tax bill, which is based on the assessment that are done on or after January 2nd of this year, this local year would have to be adopted before May 1st.

If it's adopted after May 1st, it will simply mean that the ability to get the benefit of that assessment reduction in the case the veterans and eligibility for an unremarried spouse of a deceased firefighter who died in the line of duty would be postponed by one year. So just to simplify it, in both cases it's dealing with the assessment of the property occurring on or after January of 2006. That date comes from the state, it's not local date. The secondary date it has to be done before May 1st to complete the actual assessment.

In the case of the firefighters, it's expanding the eligibility to include one more category. It's not changing the formula, but one more class of people would be eligible, that would be the unremarried, the non-remarried spouse of a disease firefighter who died in the line of duty.

In the second category, which is a larger universe of people, veterans, disabled veterans and veterans who have participated in the combat zones, there's three different classes, they get three different increases in the amount of the exemption that would be applied to the tax bill for next year. So in the first category admittedly it's only a few people that are probably going to fall into that situation with the firefighters, but in the case of the veterans, you're talking about a substantial number of people, because Suffolk County has one of the largest populations of eligible veterans. So it will simply allow them to get the benefit of the exemption in a timely fashion for the tax bill that gets mailed next December for payment in January of next year.

P.O. LINDSAY:

Enough explanation for everybody? All right. So we go back to 1290, did we have a motion and a second? We need a motion and a second on 1290.

MS. ORTIZ:

Legislators Eddington and Vitoria•Fisher.

P.O. LINDSAY:

All those in favor? Opposed? Abstentions?

LEG. HORSLEY:

Cosponsor.

MR. LAUBE:

18.

P.O. LINDSAY:

How many cosponsors.

MR. LAUBE:

Hold your hands up.

P.O. LINDSAY:

1324. We need a motion on that, Legislator Stern.

LEG. STERN:

I'll make the motion.

P.O. LINDSAY:

Seconded by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

LEG. SCHNEIDERMAN:

Cosponsor.

LEG. HORSLEY:

Cosponsor.

P.O. LINDSAY:

Any cosponsors?

MR. LAUBE:

Thank you.

P.O. LINDSAY:

Okay. We have, it should be before you, **Memorializing Resolution 26**, I'd like to make a motion to waive the rules and not only lay it on the table, but vote on it, it's **requesting the State of New York to enact Assembly Bill A•9807 and Senate Bill S•6787 to halt the Public Service Commission from it's current proceedings to eliminate telecommunications consumer protections**. This is time sensitive, that's why it has to be done this way. I'll make that motion, do I have a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

Seconded by Legislator Vilorio•Fisher. Any discussion? All those in favor? Opposed? Abstentions?

MR. LAUBE:

18.

LEG. ALDEN:

Cosponsor.

LEG. COOPER:

Cosponsor.

MR. LAUBE:

Thank you.

P.O. LINDSAY:

Next, **Memorializing Resolution 28, in support of the Fair Share for Health Care Act** that's currently in the State Senate. I'll make a motion to waive the rules 6•B for the purpose of voting on it. Do I have a second? Seconded by Legislator Browning. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

And finally, **Home Rule Message Number 2, requesting the State of New York to establish the Peconic Bay Regional Transportation**

Council, and we have wave rule 5•C and 6•B for the purpose of laying on the table and voting on it. I'll make the motion, seconded by Legislator Schneiderman.

LEG. LOSQUADRO:

Mr. Chairman, if I may.

P.O. LINDSAY:

On this issue?

LEG. LOSQUADRO:

Yes. It's a simple thing, I just don't know if makes anything technically defective, but Senator LaValle may take umbrage with his demotion to Assemblyman.

P.O. LINDSAY:

I would classify that as a Scribenor's error.

LEG. BARRAGA:

You mean his elevation to Assemblyman.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. SCHNEIDERMAN:

Cosponsor, please.

MR. LAUBE:

18.

LEG. SCHNEIDERMAN:

Legislator Romaine, I know would want to be listed as a cosponsor as well.

MR. LAUBE:

18.

P.O. LINDSAY:

Having no other business before us, a motion to adjourn is in order, seconded by Legislator Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

We are officially adjourned.

(* THE MEETING WAS ADJOURNED AT 6:48 P.M. *)